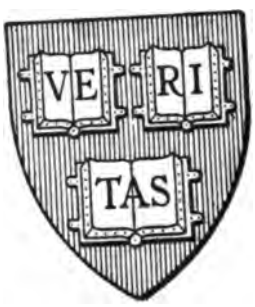

complete

B I L L S,

PUBLIC:

FIVE VOLUMES.

—(4.)—

PAROCHIAL ASSESSMENTS

TO

PUBLIC WORKS AND HARBOURS ACT AMENDMENT.

Session

6 *February* — 7 *August* 1862.

4

VOL. IV.

1862.

B I L L S:

1862.

FIVE VOLUMES:—CONTENTS OF THE

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A

BILL

TO

Amend the Law relating to Parochial Assessments in England.

WHEREAS an Act was passed in the Session holden in the Sixth and Seventh Years of King William the Fourth, intituled "An Act to regulate Parochial Assessments:" Whereas it is expedient that more effectual Provision should be made for establishing one uniform Mode of Rating for the Relief of the Poor in England: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preamble.

6 & 7 W. 4. c. 96.

1. In the Construction of this Act the following Words and Expressions shall have Meanings hereby assigned to them, unless such Meanings be repugnant to or inconsistent with the Context; (that is to say,)

Interpretation of Terms.

The Word "Person," or Words applying to any Person or Individual, shall apply to and include Corporations:

"Person:"

The Expression "the Committee" shall mean the Assessment Committee for the Union within which the Matter requiring the Cognizance of such Committee arises:

"The Committee:"

"Overseers:" The Word "Overseers" shall include Overseers of the Poor and Churchwardens, and where any other Persons are by Law authorized to make the Rates for the Relief of the Poor such other Persons:

"Parish:" The Word "Parish" shall include any Liberty, Township, Precinct, or Place maintaining its own Poor, or any Part of a Parish, Township, or other Place for which a separate Poor Rate may be made: 5

"Borough." The Word "Borough" shall mean and include any City, Port, Cinque Port, or Town Corporate subject to the Provisions of the Act of the Sixth Year of King William the Fourth, "to provide "for the Regulation of Municipal Corporations in England and "Wales." 10

Repeal of 6 & 7 W. 4. c. 96.

2. After the *passing of this Act*, the said Act of the Sixth and Seventh Years of King William the Fourth, Chapter Ninety-six, shall be repealed, but such Repeal shall not prejudice or affect any Rate, or any Act, Matter, or Thing whatsoever done or commenced, or any Order issued by the Poor Law Board, or any Rights or Liabilities acquired, created, or arising under or by virtue of the said Act. 15 20

Definition of annual rateable Value.

3. Every Rate to be hereafter made for the Relief of the Poor shall be made upon the full rateable Value of the Hereditaments liable to be rated, such rateable Value being ascertained by an Estimate of the yearly Rent which a Tenant would pay for the same on a Lease for a Term of *Seven* Years, the Lessee bearing all the usual Tenant's Rates and Taxes and Tithe Commutation Rentcharge, if any, and the Lessor undertaking to provide the probable average annual Cost of the Repairs, Insurance, and such other Expenses as may be necessary to maintain the Hereditaments in their actual State. 25 30

Rateable Value of Tithe.

4. The Tithe Rentcharge shall be assessed upon the Value fixed for the current Year, subject to a Deduction of a reasonable Sum for the Charges of the Collection and the Risks of Loss for the average annual Cost of the Repair of the Chancel during a Period of *Seven* Years, where the same is chargeable upon the Owner of such Rent-charge, of the Sum paid for the customary annual Ecclesiastical Dues, and of the Amount paid by the Incumbent as the Stipend of the Curate, when by reason of the Extent or Population of the Parish it is requisite that he should employ One. 35

Formation of the Assessment of

5. The Board of Guardians of every Union, formed under the Act, Fourth and Fifth Years of King William the Fourth, Chapter Seventy-six, 40

six, shall at their First Meeting after the next annual Election of Guardians, appoint from among themselves any Number not less than *Five* nor more than *Eleven* to be a Committee, consisting Part of ex officio and partly of elected Guardians, to be called the Assessment Committee of the Union, for the Investigation and Supervision of the Valuations to be made as herein-after mentioned within such Union, and for the Performance of such said Acts and Duties as herein-after mentioned.

Board of Guardians.

6. If the Guardians shall neglect or be prevented from making such Appointment at the Meeting above specified, the Poor Law Board shall by their Order appoint some other Day on which the Guardians shall make such Appointment.

Provision for Neglect to appoint.

7. If any Member of the Committee cease to be Guardian, or resign his Seat at such Committee, or die, or become incapable of acting as such Member, the Guardians shall with all convenient Speed appoint a Successor to supply the Vacancy, and the Elective Guardians shall continue Members of the Committee until the First Meeting of the Board of Guardians after the annual Election, when their Places shall be renewed by the said Board; provided that the Members of the said Committee, if continued to be qualified, shall be re-eligible.

Provision for Vacancies.

8. During any Vacancy in any Assessment Committee the other or continuing Members of such Committee may act, and shall have the same Powers and Jurisdiction as if no such Vacancy had happened.

Board may act during Vacancies.

9. The Authority of the Committee appointed for any Union under this Act shall extend over every Parish locally situate in such Union.

Extent of Committee's Authority.

10. The Committee shall hold their First Meeting at the Board Room of the Union on a Day to be fixed by the Board of Guardians when they shall be appointed, and their subsequent Meetings shall be holden at such Times and upon such Notice and Requisition as the said Committee shall from Time to Time appoint.

First Meeting, when to be holden.

11. All Acts, Orders, Matters, and Things by this Act authorized or directed to be made or done by the Committee may be made or done by the major Part of the Members of such Committee who shall be present at a Meeting, the whole Number present together at such Meeting not being less than *Three;* and when upon any Question there shall be an Equality of Votes the presiding Chairman shall have a Second or Casting Vote.

Quorum of Meetings.

 12. The

Committee may employ and pay Clerk and Surveyor.

12. The Committee shall employ the Clerk or Assistant Clerk of the Board of Guardians as their Clerk, with such Remuneration for his Services as the Poor Law Board shall sanction, and may from Time to Time employ such Surveyors and Valuers as they shall find requisite, at proper Remuneration; and all such Remuneration, and all the Expenses necessarily incurred by the said Committee, shall be paid by the Guardians of the said Union, and be charged upon the Common Fund thereof.

Proceedings to be entered in Books, and signed;

such Entries Evidence.

Books to be open to Inspection.

13. The Committee shall cause Entries of all their Proceedings, and of the Names of the Members who attend each Meeting, to be duly made from Time to Time in Books to be provided for that Purpose, which shall be kept by their Clerk, under their Superintendence, and every such Entry shall be signed by *Three* Members of the Board present at the Meeting at which the Proceeding took place; and such Entry, purporting to be so signed, shall be received as Evidence in all Courts, and before all Judges, Justices, and others, without Proof of such Meeting having been duly convened or held, or of the Persons attending such Meeting having been or being Members of the Committee, or of the Signatures of the Members, all of which Facts shall be presumed until the contrary be proved; and all such Books shall at all seasonable Times be open to the Inspection of every Person rated to the Relief of the Poor in any Parish or Place in the Union, without any Fee being demanded for such Inspection; and all such Persons shall be entitled at all seasonable Times to take Copies or Extracts from the said Books, without paying any Fee for the same; and if, on Request made for that Purpose, the Clerk of the Committee refuse to permit any such Person to inspect any such Books, or to take Copies or Extracts therefrom, as aforesaid, such Clerk shall for every such Offence be liable to a Penalty not exceeding *Five Pounds*, upon a summary Conviction for the same before Two Justices of the Peace.

Boards to report to Secretary of State.

14. Every Assessment Committee shall, as soon as Valuation Lists of the rateable Property in all Parishes liable to Poor Rates in their Union have been approved by them, send to the Poor Law Board a Report of their Proceedings, specifying each such Parish, and the total annual Value of the rateable Property therein, and shall, in the Month of *January* in each Year, send to the said Poor Law Board a Report of their Proceedings, specifying each such Parish as aforesaid, and the total annual Value, according to the Valuation in force, of the rateable Property therein, and shall also from Time to Time give to the Poor Law Board such Information respecting their Proceedings as such Board may require, and every such Report shall be signed by Three Members of the Committee.

15. The

15. The Committee by their Order may from Time to Time require the Overseers, Assistant Overseers, Constables, Assessors, Collectors, and any other Persons having the Custody of any Books of Assessment of any Taxes or Rates, Parliamentary or Parochial, or of the Valuations of any Parish, or having the Collection or Management of any such Taxes or Rates, to make Returns in Writing to the Committee, at such Times and Places as they may appoint, of all such Particulars as they may direct in relation to such Taxes, Rates, or Valuations, or any Property included therein, and may require the Persons having the Custody of any such Books as aforesaid to make and transmit to the Committee Copies of or Extracts from such Books, or to permit such Copies or Extracts to be made by such Persons as the Committee may in that Behalf direct; and may from Time to Time require any Persons having the Custody of any such Books, or the Collection or Management of any such Taxes or Rates as aforesaid, to attend before them at a Time and Place to be mentioned in the Order in this Behalf, and to produce all parochial and public Books of Assessment, Rates, Rate Books, Valuations, Apportionments, Maps, Plans, Surveys, and other public Documents in their Custody or Power, and may examine upon Oath all Persons who shall attend before them.

Committee may require Returns from Overseers, &c.;

and may require Production of Rates, &c., and examine on Oath.

16. Subject to any Order which may be made by the Committee, the Overseers of each Parish in the Union shall, within *Three* Calendar Months after the Appointment of such Committee, make a List of all the rateable Hereditaments in such Parish, with the annual rateable Value thereof respectively in the Form shown in the Schedule to this Act annexed; and unless such Overseers think that the Valuation then last acted upon in assessing the Rate for the Relief of the Poor correctly shows the full annual rateable Value of all such Hereditaments, they shall cause such Valuation to be revised, or a new Valuation to be made of the said Hereditaments, according to the annual Value thereof, and shall make such List according to such revised or new Valuation, and such Overseers shall sign every List so made by them as aforesaid, and such List shall be styled "The Valuation List."

Overseers to prepare Valuation Lists.

17. The Committee by their Order may from Time to Time enlarge the Time within which the First Valuation Lists under this Act shall be made by the Overseers of all or any of the Parishes in the Union, and for ensuring the Correctness of such Lists may direct that any existing Valuation of the rateable Hereditaments in any Parish be revised, in whole or in part, or a new Valuation of such Hereditaments be made by the Overseers, or by some fit Person to be appointed by the Overseers for such Purpose, or the Committee may

Committee may enlarge the Time for making Valuation Lists, and may give Directions concerning Valuations and Valuation Lists, and may

appoint Persons to make the same.

may themselves in any Case appoint some Person for either of the Purposes aforesaid, and may direct such Person to make and sign the Valuation List instead of the Overseers, and every Valuation List so made and signed shall be delivered by such Person to the Overseers of the Parish to which the same relates; and the Committee may, where they think fit, direct a new Map or Plan to be made and referred to, or any existing Map or Plan to be referred to, or to be revised or altered and referred to, for the Purposes of any Valuation or Valuation List under this Act, and may direct the Overseers to appoint a Person or may themselves appoint a Person for the Purpose of making, revising, or altering any such Map or Plan, and generally the Committee may from Time to Time by their Orders make such Provision as to them may seem meet for ensuring just Valuations, and the making of correct Valuation Lists, according to the Provisions of this Act.

Valuation Lists to be deposited for Inspection, and afterwards transmitted to the Board.

18. The Valuation List for each Parish, made and signed by the Overseers, or delivered to them, as herein-before provided, shall be deposited by the Overseers in the Place in such Parish in which Rate Books are deposited or kept, and the Overseers shall give public Notice of the Deposit of such List on the *Sunday* next following the Deposit of such List, and such Notice shall be given in the same Manner, and all Persons assessed or liable to be assessed to the Relief of the Poor of such Parish shall have the like Right of inspecting, and of demanding and taking Copies of and Extracts from such List, as in the Case of a Poor Rate allowed by the Justices, and the Overseers shall, at the Expiration of *Fourteen* Days from the Time of the Notice given of the Deposit of such List, transmit the same to the Committee.

Objections to Valuation List.

19. Any Person who may feel himself aggrieved by any Valuation List on the Ground of Unfairness or Incorrectness in the Valuation of any Hereditaments included therein, or on the Ground of the Omission of any rateable Hereditament from such List, may at any Time after the Deposit as aforesaid of such List, and before the Expiration of *Fourteen* Days after the Valuation List has been transmitted to the Committee, give to the Committee and to the Overseers a Notice in Writing of his Objection, specifying the Grounds thereof, and where the Ground of any Objection shall be Unfairness or Incorrectness in the Valuation of any Hereditament in respect of which any Person, other than the Person objecting, is liable to be rated, or the Omission of such Hereditament, also give Notice in Writing of such Objection, and of the Ground thereof, to such other Person.

20. The

20. The Committee shall hold such Meetings as they may think necessary for hearing Objections to the Valuation Lists, and shall, *Twenty-eight* Days at least before holding every Meeting for hearing Objections to Valuation Lists, other than Meetings by Adjournment, cause Notice of such Meeting to be given to the Overseers of the several Parishes to which such Lists relate, and such Overseers shall, on the *Sunday* next following the Receipt of such Notice, publish the same in the Manner in which Notice of a Rate allowed by Justices is by Law required to be given, and the Committee may at any such Meeting hear and determine such Objections, or may from Time to Time adjourn any such Meeting, and adjourn or postpone the Hearing or further Hearing and Determination of any such Objections, and may, where they think fit, direct Notice of any such Objections to be given by the Overseers or by the Persons objecting to Third Parties before the further Hearing thereof; but the Committee shall not be required to hold a Meeting for hearing Objections to the Valuation List of any Parish, unless such Notice in Writing as herein-before mentioned of some Objection or Objections thereto have been given to the Committee; and where a Meeting is holden for hearing Objections to the Valuation List of any Parish, the Committee shall not hear any Objection to such Valuation List unless such Notice as aforesaid of such Objection have been given to the Committee and to the Overseers; and where the Ground of such Objection is Unfairness, or Incorrectness in the Valuation of any Hereditament, of any other Person than the Person objecting, or the Omission of such Hereditament, also to such other Person, by the Person objecting, except where the Overseers, by themselves or their Attorney, and in the Case aforesaid such other Person as aforesaid, by himself or his Attorney, consent to the Hearing of such Objection, and in such Case the Committee may, if they see fit, hear the same; and where the Committee see fit to hear the same, they shall act in relation thereto in like Manner as if Notice of such Objection had been duly given.

Committee to hold Meetings to hear Objections.

21. The Committee may, whether any Objection be or be not made to any such Valuation List, and either before or after any Meeting for hearing Objections, make such Alterations in the Valuation of any Hereditaments included in any Valuation List, and insert therein any rateable Hereditament omitted therefrom, and make such Corrections in Names, Descriptions, and Particulars in any Valuation List, and upon such Information, as to them may seem sufficient, and may appoint or employ a Person to survey and value the rateable Hereditaments comprised in any such Valuation List or any of them, or omitted therefrom, or take such other Means as they may think necessary for ascertaining the Correctness thereof; and when the

Board may direct further Valuation, and correct Valuation Lists, and when corrected to approve the same.

Committee have heard and determined all such Objections as aforesaid, and have made such Alterations, Insertions, and Corrections in any Valuation List, as to them may seem proper, they shall approve the same under the Hands of *Three* Members of the Committee present at the Meeting at which the same is approved, with the Date of such Approval. 5

Valuation List when altered (except on Objection) to be re-deposited, &c.

22. Where the Committee make any Alteration in any such Valuation List in the Amount of the annual rateable Value of any Hereditament, or insert in such List any Hereditament otherwise than upon the Determination at some Meeting of an Objection to such Amount, or to the Omission of such Hereditament, as the Case may be, they shall cause such Valuation List, with such Alteration or Insertion, to be deposited for Inspection for the Time and in manner herein-before provided concerning the Valuation List made by or delivered to the Overseers, and shall cause the like Notice to be given of such Deposit as is required in the Case of a Valuation List so made or delivered as aforesaid; and the Provisions of this Act in relation to such last-mentioned Valuation List so deposited shall be applicable to every such Valuation List deposited under this Provision. 10 15

Appeal to Quarter Sessions against Valuation List on Questions of Principle.

23. Where it appears to the Committee that any Question of Law as to the Rule or Principle according to which the annual rateable Value of any Hereditament ought to be estimated is involved in any Objection to a Valuation List, or arises on the Hearing of such Objection, the Committee may, either before the Hearing of such Objection or upon the Hearing thereof, authorize the Person objecting to appeal to the Court of Quarter Sessions of the Peace having Jurisdiction where the Hereditament is situate, against such Valuation List, and may certify, under the Hands of *Three* Members of the Committee, any Facts which have been admitted or proved before the Committee, or which have been ascertained by or under the Authority of the Committee, in relation to the Matter of such Appeal, and thereupon such Person may appeal to the next Court of Quarter Sessions in the same Manner, and under the same Regulations as to Notice and otherwise, so far as the same may be applicable, as if such Appeal were an Appeal against a Rate for the Relief of the Poor; and such Court may, subject to the Rights of the Parties to state the Facts in the Form of a Special Case for the Opinion of One of the Superior Courts of Common Law at Westminster, and to agree that a Judgment may be entered in conformity with the Decision of such Court, hear and determine such Appeal, and ascertain the annual rateable Value of the Hereditament to which the Appeal relates, or may, where they see fit, remit the Matter of the Appeal to the Committee, with their Decision as to the Rule or Principle according to which 20 25 30 35 40

which the annual rateable Value ought to be estimated, and shall have the like Power or Authority of stating a Case for the Opinion of the Court of Queen's Bench, and of awarding Costs, and all other Authorities in relation to the Matter of the Appeal, as in the Case of an Appeal against a Rate for the Relief of the Poor, and any Costs awarded by such Court in relation to the Matter of the Appeal shall be recoverable in like Manner as Costs awarded upon an Appeal against any such Rate as aforesaid.

Valuation List to be approved subject to the Appeal.

24. Where the Committee authorize any such Appeal as aforesaid they shall, after making such Alterations, Insertions, and Corrections as they think fit, in case the Appeal be not previously determined or remitted to them, approve the Valuation List, subject to such Appeal, with the Date of such Approval, and thereupon the Directions and Provisions of this Act concerning a Valuation List approved by the Committee shall, except as herein otherwise provided, be applicable to such List so approved, subject to Appeal; and after the Court of Quarter Sessions have made an Order upon any Appeal, the Committee shall make such Amendments or Alterations in the Valuation List as are directed by such Order, or in case the Matter of the Appeal be by the Order of such Court remitted to the Committee, with the Decision of the Court as to the Rule or Principle according to which the annual rateable Value of any Hereditament ought to be estimated, the Committee shall ascertain such Value accordingly, and make such Alteration in the Valuation List as may be necessary; and after all Appeals (if any) authorized by the Committee against the Valuation List, and duly entered and prosecuted, have been determined, or in case no Appeal so authorized be duly entered or prosecuted with due Diligence, the Committee shall finally approve such List, with the Date of their Approval; and if it appear to the Court of Quarter Sessions, or, where they remit the Matter of an Appeal to the Committee, to such Committee, that the Person appealing has previously to the Determination of the Appeal, in consequence of being rated according to the annual rateable Value appearing in the Valuation List, paid in respect of any Poor Rate any Sum which he ought not to have paid, such Court or Committee shall make such Order for the Repayment of such Sum to such Person, with all reasonable Costs, Charges, and Expenses (if any) occasioned by his being required to pay the same, the Amount thereof to be specified in such Order, as to such Court or Committee may seem just.

Appeal to the Quarter Sessions allowed to

25. Any Person who shall feel himself aggrieved by the Decision of the said Committee upon his Objection as aforesaid, or by reason of the Valuation List for the Time being in force in the Parish where

Parties aggrieved in other Cases.

the rateable Property in which he shall be interested shall be situated, or of any Rate made in conformity, may appeal to the next practicable Court of Quarter Sessions against the Time, though he shall not have obtained the Authority of the said Committee as aforesaid, in like Manner and with the same Incidents, and subject to all the like Provisions, Liabilities, and Consequences, as now apply in Cases of Appeals against Poor Rates at the Court of Quarter Sessions, and the Decision of such Court upon such Appeal shall be communicated to the said Assessment Committee, who shall, if necessary, alter the Valuation List of the said Parish according to the Order of the said Quarter Sessions, and cause such Alteration to be communicated to the Overseers.

Custody, &c. of Valuation List after Approval.

26. Every Valuation List, when approved by the Committee, shall be delivered to the Overseers of the Parish to which the same relates, and shall be preserved at the like Place, and in the like Custody, and be subject to the like Resort thereto, and be delivered over from Time to Time in like Manner as the Books wherein are entered Copies of Rates and Assessments for the Relief of the Poor for the same Parish, and shall be produced by the Overseers before the Justices, upon Application, for the Allowance of Rates, and at the General or Quarter Sessions when any Appeal is to be heard, and also at such Times and Places as the Committee may from Time to Time direct.

What shall be deemed Valuation Lists in force.

27. Every Valuation List approved by the Committee, and delivered to the Overseers of the Parish to which the same relates, shall, with and subject to the Alterations and Additions for the Time being made therein or thereto by any supplemental Valuation Lists so approved and delivered, be the Valuation List in force in such Parish until a new Valuation List in substitution for the same be approved and delivered in like Manner.

Overseers to prepare supplemental Valuation Lists in case of Additions to or Alterations in the rateable Property of the Parish.

28. When and so often as any Property not included in the Valuation List in force in any Parish becomes rateable, or where, by reason of any Alteration in the Occupation of any Property included in such List, such Property becomes liable to be rated in Divisions or Parts not mentioned in such List as rateable Hereditaments and separately valued therein, and when and so often as it shall appear to the Overseers that any rateable Property included in such List has been increased or reduced in Value since the Valuation thereof, whether by Building, Destruction of Building, or other Alteration in the Condition thereof or otherwise, the Overseers of the Parish in each of the Cases aforesaid shall, as soon as conveniently may be, make a supplemental Valuation List showing the annual rateable Value

Value according to the Judgment of the Overseers (or of a fit Person employed, and, if necessary, paid by them, for estimating the same,) of the Property so become rateable, or of the Divisions of Parts so become liable to be rated separately, or of the Property so increased or reduced in Value, as the Case may be.

Board may from Time to Time direct new Valuation, and new or supplemental Valuation Lists.

29. The Committee by their Order may from Time to Time, upon the Application of any Person aggrieved by the Valuation List in force in any Parish, or otherwise, where they see fit, direct a new Valuation of all or any of the rateable Hereditaments in such Parish, and a new Valuation List in substitution for such Valuation List as aforesaid, or a supplemental List in substitution for any Part thereof or in addition thereto, to be made by the Overseers, or by some fit Person to be appointed, and, if necessary, paid, by the Overseers for such Purposes, or the Committee may themselves appoint a Person for such Purposes, and if they see fit require the Person applying to pay the Costs of the new Valuation; and the Committee may, in directing such new Valuation, and the making of such new or supplemental Valuation List, give and make all such or the like Directions and Provisions in relation thereto as they are authorized under this Act to give and make in relation to the Valuations and Valuation Lists first directed and authorized to be made under the Act.

Provisions of this Act in relation to Valuation Lists first directed to be made to apply to new and supplemental Valuation Lists.

30. All the Provisions of this Act in relation to Signature, Deposit, Objections, Approval, and otherwise concerning the Valuation List first directed and authorized to be made under this Act of the rateable Hereditaments in any Parish shall be applicable to every new or supplemental Valuation List to be made under this Act.

After a Valuation List is approved no Rate to be allowed unless made according to such List.

31. In every Parish where a Valuation List under this Act has been approved and delivered to the Overseers, no Rate for the Relief of the Poor, Highway Rate, or other Rate which by Law is required to be based upon the Poor Rate, shall be allowed by any Justices, or be of any Force, unless the Hereditaments included in such Rate, except as herein-after provided, be rated according to the annual rateable Value thereof appearing in the Valuation List in force in such Parish; and the Justices, before they allow such Rate, shall be satisfied, by the Oath of One of the Overseers, or some other Person who shall have examined and compared such Rate with such Valuation List, that the Hereditaments are, to the best of his Belief, rated according to the annual rateable Value so appearing: Provided always, that where by reason of any Alteration in the Occupation of any Property included in such List such Property has become liable to be rated in Divisions or Parts not mentioned in such List as rateable Hereditaments, and separately rated therein, such

such Divisions or Parts may, where a supplemental Valuation List showing the annual rateable Value of such Divisions or Parts has not been approved and delivered as herein-before required, and whether such List has or has not been made, be rated according to such Amounts as shall be fair apportioned Parts of the annual rateable Value appearing in such Valuation List in force as aforesaid of the Hereditaments out of which such Divisions or Parts have been constituted.

Quarter Sessions to be concluded as to Value by Valuation Lists.

32. Except as herein otherwise provided, the Court of General or Quarter Sessions shall not, upon Appeal or otherwise, have any Authority to mend, alter, or quash any Rate for the Relief of the Poor, or other Rate made according to the annual rateable Value appearing in the Valuation List in force in the Parish, on account of the annual rateable Value at which any Hereditament is rated therein, or to amend or alter, or direct to be amended or altered, such Valuation List; but, save as aforesaid, nothing herein contained shall take away, abridge, or affect the Right of Appeal to the Court of General or Quarter Sessions, or the Authority of such Court in relation to any Rate for the Relief of the Poor.

Act not to prevent Composition for Rates.

33. Nothing herein contained shall be construed to prevent the Owners of Tenements from compounding for the Rates to be assessed on the same, in such Manner as they were by any Statute or Statutes enabled to do before the passing of this Act.

Saving of Exemptions and special Rules of rating.

34. Nothing herein contained shall extend or be taken to deprive any Property, or the Occupier of any Property, of the Benefit of any Exemption, in whole or in part, to which such Property or Occupier is by Law entitled, from any Poor Rate, County Rate, or Borough Rate, or Proportion thereof, or to render liable to be rated, according to the annual rateable Value thereof, any Property which under any Local Act or otherwise is entitled to be rated upon a fixed Amount, or according to any special or exceptional Principle of Valuation, whether such Property shall or shall not be included in any Valuation List in force under this Act, or shall in anywise affect the Provisions of "The Cambridge Award Act, 1856."

On determining Objections to Lists, Board may award Costs.

35. The Committee may, where it appears to them just, on the Determination of any Objection to a Valuation List or supplemental Valuation List, or any Alteration or Insertion therein respectively, award and order to any Party such Costs as to such Committee may seem reasonable, to be paid by such Party as such Committee may direct, and the Sum allowed for such Costs shall in all Cases be specified in such Order, and the Order shall direct such Costs to be paid to

to the Clerk of the Committee, to be by him paid over to the Party entitled to the same, and shall state within what Time such Costs shall be paid; and if the same shall not be paid within the Time so limited, the Clerk of the Committee shall, upon Application by or on 5 behalf of the Party entitled to such Costs, grant to the Party so applying a Certificate under the Hand of such Clerk of such Costs not having been paid; and upon Production of such Certificate any Justice of the Peace having Jurisdiction may enforce the Payment of such Costs, or of so much thereof as remains unpaid, by Warrant of 10 Distress; and in default of Distress such Justice may commit the Party against whom such Warrant has been issued for any Term not exceeding *One Calendar Month*, unless the Amount of such Costs, and all Costs and Charges of the Distress, and also the Costs of the Commitment and conveying of the said Party to Prison, if such 15 Justices or Justice think fit so to order (the Amount thereof being ascertained and stated in such Commitment), be sooner paid.

Board may allow Compensation for Returns, &c. and Expenses to Witnesses.

36. The Committee may allow such Compensation for any Returns, Copies, or Extracts, or any Valuation, or Valuation List, or other Act, Matter, or Thing to be made or done in pursuance of their 20 Order, and such Expenses to Witnesses, and of or attending the Production of Documents, as to the Committee in each Case seems just.

Committee may authorize Money to be borrowed to defray certain Expenses.

37. Where the Committee so think fit, they may by their Order direct the Overseers of any Parish to borrow any Sum of Money 25 mentioned in such Order for the Purpose of defraying the Expenses of making any Survey, Map, Plan, Valuation, and Valuation List, or any of such Expenses, whether such Survey, Map, Plan, Valuation, and List respectively be made by the Overseers or by any Person appointed by them or the Committee; and where the Committee 30 make such Order as aforesaid, such Overseers may borrow the Sum of Money mentioned therein for the Purpose aforesaid, and charge the future Poor Rates of such Parish with the Amount of such Sum of Money and Interest: Provided always, that the Sum shall be borrowed upon the Terms of being repaid by annual Instalments, 35 not exceeding *Five*, with such Interest as may from Time to Time be payable in respect of the same.

Power to Overseers to enter on Lands for making Valuations.

38. The Overseers and all Persons appointed or employed in pursuance of this Act to make or revise or ascertain the Justness or Correctness of any Valuation, Valuation List, or Map or Plan, or to 40 survey and value any rateable Hereditament, may for such Purposes respectively, at all reasonable Times, and with or without Assistants, enter upon, view, examine, survey, and measure all or any Lands,

Houses, and other Property to which the same respectively may relate.

Penalty for obstructing Overseers.

39. Every Person who wilfully obstructs any Overseer or other Person acting in pursuance of this Act in the Execution of his Duty thereunder shall for every such Offence be liable to a Penalty not exceeding *Five Pounds*, upon a summary Conviction for the same before a Justice of the Peace. 5

Non-attendance, &c., in obedience to Order of the Board, a Misdemeanor.

False Evidence Perjury.

40. Every Person who wilfully refuses to attend in obedience to any lawful Order of any such Committee, or to give Evidence, or wilfully withholds, destroys, or refuses to produce any Rate Book which may be lawfully required to be produced before such Board, shall be deemed guilty of a Misdemeanor; and every Person who, upon any Examination upon Oath before any such Committee, wilfully and corruptly gives false Evidence, shall be subject to the Penalties of wilful and corrupt Perjury. 10 15

Power to take Copies or Extracts of Rates gratis.

41. It shall be lawful for any Person or Persons rated or liable to be rated to the Relief of the Poor of the Parish in respect of which any Rate shall be made, at all seasonable Times to take Copies thereof or Extracts therefrom, without paying anything for the same; and in case the Person or Persons having the Custody of such Rate shall refuse to permit or shall not permit such Person or Persons so rated as aforesaid to take Copies thereof or Extracts therefrom, the Person or Persons so refusing or not permitting such Copy or Extract to be made shall for every such Offence be liable to a Penalty not exceeding *Five Pounds*, upon a summary Conviction for the same before a Justice of the Peace. 20 25

Authentication and Service of Orders and Notices of the Committee.

42. Every Order and Notice made or given by the Committee under this Act may be in Writing or Print, or partly in Writing and partly in Print, and shall be sufficiently authenticated if signed by their Clerk, and may be served by the same or a Copy thereof being delivered personally or sent by the Post to the Party on or to whom such Order or Notice purports to be made or given, or by being delivered to some Inmate of his usual Place of Abode; and every Order and Notice so served on One Overseer of a Parish shall be deemed served on all the Overseers of such Parish. 30 35

Service of Notices, &c. on the Committee.

43. Any Notice or Statement required to be served upon the Committee may be served by being left at the Office of the Clerk to the Board of Guardians, or sent through the Post Office, addressed to the Committee at such Office, or by being delivered personally to their Clerk, or to some Inmate of his usual Place of Abode. 40

44. In

44. In every Parish, until a Valuation List has been approved, and delivered to the Overseers under this Act, every Rate made for the Relief of the Poor in such Parish shall be made in the Form and contain the Particulars required by the said Act of the Sixth and Seventh Years of King William the Fourth; and after such Valuation List has been so approved and delivered, every such Rate shall show the annual rateable Value of each Hereditament comprised therein, according to the Valuation List in force in such Parish, and shall contain such other Particulars and be in such Form as the Poor Law Board shall from Time to Time by any General Rule direct; and where, under any Act of Parliament, Reference is to be had to the "rateable Value" in Rates, according to the Form required by the said Act of King William the Fourth, Reference shall be had to the "annual rateable Value" in the Valuation Lists under this Act.

Provision as to Form of Poor Rate.

45. All the Powers, Authorities, Provisions, Clauses, and Regulations now in force relating to the Assessment, Collection, and levying of Poor Rates, County Rates, and Borough Rates respectively (save so far as the same are hereby repealed or altered) shall be good, valid, and effectual for the Purposes of assessing, levying, collecting, and enforcing the Payment of such Rates respectively, and for carrying this Act into execution.

Provisions concerning the Assessment, &c. of Rates to be applicable to Rates made according to this Act.

46. This Act shall extend only to England.

Extent of Act.

SCHEDULE.

VALUATION LIST for [the Parish or Place for which the List is made] in the County of

Name of Occupier.	Description of Property.	Name or Situation of Property.	Annual rateable Value.

Signed this Day of

A.B.
C.D. } Overseers of the Poor of the Parish aforesaid.

Parochial Assessments.

A

BILL

To amend the Law relating to Parochial Assessments in England.

(Prepared and brought in by Mr. Clive, Sir George Grey, and Mr. Villiers.)

Ordered, by The House of Commons, *to be Printed,* 7 *February* 1862.

[Bill 7.]

Under 3 oz.

A

BILL

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Amend the Law relating to Parochial Assessments in England.

WHEREAS it is expedient that more effectual Provision should be made for securing uniform and correct Valuations of Parishes in the Unions of England: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. The Words used in this Act shall be construed in like Manner as the Words contained in the Act Fourth and Fifth of King William the Fourth, Chapter Seventy-six, and the Word "Committee" shall signify the Assessment Committee provided for by this Act. Interpretation.

2. The Board of Guardians of every Union, formed under the Act, Fourth and Fifth Years of King William the Fourth, Chapter Seventy-six, shall, as soon as convenient after the passing of this Act and in every subsequent Year, at their First Meeting after the annual Election of Guardians, appoint from among themselves any Number not less than Formation of the Assessment of Board of Guardians.

than *Six* nor more than *Twelve* to be a Committee, consisting partly of ex-officio and partly of elected Guardians, to be called the Assessment Committee of the Union, for the Investigation and Supervision of the Valuations to be made as herein-after mentioned within such Union, and for the Performance of such said Acts and Duties as herein-after mentioned: Provided always, that One Third at least of such Committee shall consist of ex-officio Guardians, in case there shall be an adequate Number of such ex-officio Guardians; but in case an adequate Number of such ex-officio Guardians shall not exist, then the Number so deficient shall be made up of elected Guardians.

Provision for Neglect to appoint.

3. If the Guardians shall neglect or be prevented from making such Appointment at the Meeting above specified, the Poor Law Board shall by their Order appoint some other Day on which the Guardians shall make such Appointment.

Provision for Vacancies.

4. If any ex-officio or elected Guardian being a Member of the Committee cease to be Guardian, or resign his Seat at such Committee, or die, or become incapable of acting as such Member, the Board of Guardians shall with all convenient Speed appoint an ex-officio or elected Guardian, as the Case may be, to supply the Vacancy.

Board may act during Vacancies.

5. During any Vacancy in any Assessment Committee the other or continuing Members of such Committee may act, and shall have the same Powers and Jurisdiction as if no such Vacancy had happened.

Extent of Committee's Authority.

6. The Authority of the Committee appointed for any Union under this Act shall extend over every Parish locally situate in such Union.

First Meeting, when to be holden.

7. The Committee shall hold their First Meeting at the Board Room of the Union on a Day to be fixed by the Board of Guardians, and the subsequent Meetings of the Committee shall be holden at such Times and upon such Notice and Requisition as they shall from Time to Time appoint.

Quorum of Meetings.

8. All Acts, Orders, Matters, and Things by this Act authorized or directed to be made or done by the Committee may be made or done by the major Part of the Members of such Committee who shall be present at a Meeting, the whole Number present together at such Meeting not being less than *Three;* and when upon any Question there shall be an Equality of Votes the presiding Chairman shall have a Second or Casting Vote.

9. The

9. The Committee shall employ the Clerk or Assistant Clerk of the Board of Guardians as their Clerk, with such Remuneration for his Services as the Poor Law Board shall sanction, and may from Time to Time employ such Surveyors and Valuers as they shall find requisite, at proper Remuneration.

Committee may employ and pay Clerk and Surveyor.

10. The Committee shall cause Entries of all their Proceedings, and of the Names of the Members who attend each Meeting, to be duly made from Time to Time in Books to be provided for that Purpose, which shall be kept by their Clerk, under their Superintendence, and every such Entry shall be signed by *Three* Members of the Board present at the Meeting at which the Proceeding took place; and such Entry, purporting to be so signed, shall be received as Evidence in all Courts, and before all Judges, Justices, and others, without Proof of such Meeting having been duly convened or held, or of the Persons attending such Meeting having been or being Members of the Committee, or of the Signatures of the Members, all of which Facts shall be presumed until the contrary be proved; and all such Books shall at all seasonable Times be open to the Inspection of every Person rated to the Relief of the Poor in any Parish or Place in the Union, without any Fee being demanded for such Inspection; and all such Persons shall be entitled at all seasonable Times to take Copies or Extracts from the said Books, without paying any Fee for the same; and if, on Request made for that Purpose, the Clerk of the Committee refuse to permit any such Person to inspect any such Books, or to take Copies or Extracts therefrom, as aforesaid, such Clerk shall for every such Offence be liable to a Penalty not exceeding *Five Pounds*, upon a summary Conviction for the same before Two Justices of the Peace.

Proceedings to be entered in Books, and signed;

such Entries Evidence.

Books to be open to Inspection.

11. Every Assessment Committee shall, in the Month of *January* in each Year, send to the Poor Law Board a Report of their Proceedings, according to a Form to be supplied by such Board, and shall also from Time to Time give to such Board such Information respecting their Proceedings as such Board may require, and every such Report shall be signed by Three Members of the Committee.

Committees to report to the Poor Law Board.

12. The Committee by their Order may from Time to Time require the Overseers, Assistant Overseers, Constables, Assessors, Collectors, and any other Persons having the Custody of any Books of Assessment of any Taxes or Rates, Parliamentary or Parochial, or of the Valuations of any Parish, or having the Collection or Management of any such Taxes or Rates, to make Returns in Writing to the Committee, at such Times and Places as they may appoint, of all such Particulars as they may direct in relation to such Taxes, Rates,

Committee may require Returns from Overseers, &c.;

or Valuations, or any Property included therein, and may require the Persons having the Custody of any such Books as aforesaid to make and transmit to the Committee Copies of or Extracts from such Books, or to permit such Copies or Extracts to be made by such Persons as the Committee may in that Behalf direct; and may from Time to Time require any Persons having the Custody of any such Books, or the Collection or Management of any such Taxes or Rates as aforesaid, to attend before them at a Time and Place to be mentioned in the Order in this Behalf, and to produce all parochial and public Books of Assessment, Rates, Rate Books, Valuations, Apportionments, Maps, Plans, Surveys, and other public Documents in their Custody or Power, and may examine upon Oath all Persons who shall attend before them: Provided always, that nothing herein contained shall authorize the Production of Valuations or Assessments which by any Provision of Law at present are not suffered to be made public.

and may require Production of Rates, &c., and examine on Oath.

Overseers to prepare Valuation Lists.

13. Subject to any Order which may be made by the Committee, the Overseers of each Parish in the Union shall, within *Three* Calendar Months after the Appointment of such Committee, make a List of all the rateable Hereditaments in such Parish, with the annual rateable Value thereof respectively in the Form shown in the Schedule annexed to the Act Sixth and Seventh William the Fourth, Chapter Ninety-six, and to this Act; and unless such Overseers think that the Valuation then last acted upon in assessing the Rate for the Relief of the Poor correctly shows the full annual rateable Value of all such Hereditaments, they shall cause such Valuation to be revised, or a new Valuation to be made of the said Hereditaments, according to the annual Value thereof, and shall make such List according to such revised or new Valuation, and such Overseers shall sign every List so made by them as aforesaid, and such List shall be styled "The Valuation List."

Committee may enlarge the Time for making Valuation Lists, and may give Directions concerning Valuations and Valuation Lists, and may appoint Persons to make the same.

14. The Committee by their Order may from Time to Time enlarge the Time within which the First Valuation Lists under this Act shall be made by the Overseers of all or any of the Parishes in the Union, and for ensuring the Correctness of such Lists may direct that any existing Valuation of the rateable Hereditaments in any Parish be revised, in whole or in part, or a new Valuation of such Hereditaments be made by the Overseers, or by some fit Person to be appointed by the Overseers for such Purpose, or the Committee may themselves in any Case appoint some Person for either of the Purposes aforesaid, and may direct such Person to make and sign the Valuation List instead of the Overseers, and every Valuation List so made and signed shall be delivered by such Person to the Overseers of

of the Parish to which the same relates; and the Committee may from Time to Time by their Orders make such Provision as to them may seem meet for ensuring just Valuations, and the making of correct Valuation Lists, according to the Provisions of this Act.

Valuation Lists to be deposited for Inspection, and afterwards transmitted to the Board.

15. The Valuation List for each Parish, made and signed by the Overseers, or delivered to them, as herein-before provided, shall be deposited by the Overseers in the Place in such Parish in which Rate Books are deposited or kept, and the Overseers shall give public Notice of the Deposit of such List on the *Sunday* next following the Deposit of such List, and such Notice shall be given in the same Manner, and all Persons assessed or liable to be assessed to the Relief of the Poor of such Parish shall have the like Right of inspecting, and of demanding and taking Copies of and Extracts from such List, as in the Case of a Poor Rate allowed by the Justices, and the Overseers shall, at the Expiration of *Fourteen* Days from the Time of the Notice given of the Deposit of such List, transmit the same to the Committee.

Objections to Valuation List.

16. Any Person who may feel himself aggrieved by any Valuation List on the Ground of Unfairness or Incorrectness in the Valuation of any Hereditaments included therein, or on the Ground of the Omission of any rateable Hereditament from such List, may at any Time after the Deposit as aforesaid of such List, and before the Expiration of Twenty-eight Days after the Notice of the Deposit as aforesaid, give to the Committee and to the Overseers a Notice in Writing of his Objection, specifying the Grounds thereof, and where the Ground of any Objection shall be Unfairness or Incorrectness in the Valuation of any Hereditament in respect of which any Person, other than the Person objecting, is liable to be rated, or the Omission of such Hereditament, also give Notice in Writing of such Objection, and of the Ground thereof, to such other Person.

Committee to hold Meetings to hear Objections.

17. The Committee shall hold such Meetings as they may think necessary for hearing Objections to the Valuation Lists, and shall, *Twenty-eight* Days at least before holding every Meeting for hearing Objections to Valuation Lists, other than Meetings by Adjournment, cause Notice of such Meeting to be given to the Overseers of the several Parishes to which such Lists relate, and such Overseers shall, on the *Sunday* next following the Receipt of such Notice, publish the same in the Manner in which Notice of a Rate allowed by Justices is by Law required to be given, and the Committee may at any such Meeting hear and determine such Objections, or may from Time to Time adjourn any such Meeting, and adjourn or postpone the Hearing or further Hearing and Determination of any such

Objections, and may, where they think fit, direct Notice of any such Objections to be given by the Overseers or by the Persons objecting to Third Parties before the further Hearing thereof; but the Committee shall not be required to hold a Meeting for hearing Objections to the Valuation List of any Parish, unless such Notice in Writing as herein-before mentioned of some Objection or Objections thereto have been given to the Committee; and where a Meeting is holden for hearing Objections to the Valuation List of any Parish, the Committee shall not hear any Objection to such Valuation List unless such Notice as aforesaid of such Objection have been given to the Committee and to the Overseers; and where the Ground of such Objection is Unfairness, or Incorrectness in the Valuation of any Hereditament, of any other Person than the Person objecting, or the Omission of such Hereditament, also to such other Person, by the Person objecting, except where the Overseers, by themselves or any other Person on their Behalf, and in the Case aforesaid such other Person as aforesaid, by himself or any other Person on his Behalf, consent to the Hearing of such Objection, and in such Case the Committee may, if they see fit, hear the same; and where the Committee see fit to hear the same, they shall act in relation thereto in like Manner as if Notice of such Objection had been duly given.

Board may direct further Valuation, and correct Valuation Lists, and when corrected to approve the same.

18. The Committee may, whether any Objection be or be not made to any such Valuation List, and either before or after any Meeting for hearing Objections, make such Alterations in the Valuation of any Hereditaments included in any Valuation List, and insert therein any rateable Hereditament omitted therefrom, and make such Corrections in Names, Descriptions, and Particulars in any Valuation List, and upon such Information, as to them may seem sufficient, and may appoint or employ a Person to survey and value the rateable Hereditaments comprised in any such Valuation List or any of them, or omitted therefrom, or take such other Means as they may think necessary for ascertaining the Correctness thereof; and when the Committee have heard and determined all such Objections as aforesaid, and have made such Alterations, Insertions, and Corrections in any Valuation List, as to them may seem proper, they shall approve the same under the Hands of *Three* Members of the Committee present at the Meeting at which the same is approved, with the Date of such Approval.

Valuation List when altered to be re-deposited, &c.

19. Where the Committee make any Alteration in any such Valuation List they shall cause such Valuation List, with such Alteration or Insertion, to be deposited for Inspection in manner herein-before provided concerning the Valuation List made by or delivered to the Overseers, and shall cause the like Notice to be given of

of such Deposit as is required in the Case of a Valuation List so made or delivered as aforesaid, and shall appoint a Day, not less than Seven Days nor more than Fourteen Days from the Re-deposit of such Valuation List, for the Hearing of any Objections to the Valuation List as so altered; and when the Committee have heard and determined any such Objections, or have made such further Alterations, Insertions, and Corrections in such Valuation List, they shall approve the same in manner herein-before provided.

20. In case any Ratepayer shall under the existing Law appeal to the Special Sessions or Quarter Sessions against any Rate made for the Relief of the Poor in any Parish, and the Result of such Appeal shall be to amend the Rate appealed against, the Assessment Committee shall alter the Valuation List of the said Parish in conformity with the Decision so made.

If on Appeal a Rate is amended the Valuation List to be altered.

21. Every Valuation List, when approved by the Committee, shall be delivered to the Overseers of the Parish to which the same relates, and shall be preserved at the like Place and in the like Custody, and be subject to the like Resort thereto, and be delivered over from Time to Time in like Manner as the Books are wherein Copies of Rates and Assessments for the Relief of the Poor for the same Parish are entered, and shall be produced by the Overseers before the Justices, upon Application, for the Allowance of Rates, and at the Special or General or Quarter Sessions when any Appeal is to be heard, and also at such Times and Places as the Committee may from Time to Time direct.

Custody, &c. of Valuation List after Approval.

22. Every Valuation List approved by the Committee, and delivered to the Overseers of the Parish to which the same relates, shall, with and subject to the Alterations and Additions for the Time being made therein or thereto by any supplemental Valuation Lists so approved and delivered, be the Valuation List in force in such Parish until a new Valuation List in substitution for the same be approved and delivered in like Manner.

What shall be deemed Valuation Lists in force.

23. When and so often as any Property not included in the Valuation List in force in any Parish becomes rateable, or where, by reason of any Alteration in the Occupation of any Property included in such List, such Property becomes liable to be rated in Parts not mentioned in such List as rateable Hereditaments and separately valued therein, and when and so often as it shall appear to the Overseers that any rateable Property included in such List has been increased or reduced in Value since the Valuation thereof, whether by Building, Destruction of Building, or other Alteration in the

Overseers to prepare supplemental Valuation Lists in case of Additions to or Alterations in the rateable Property of the Parish.

the Condition thereof or otherwise, the Overseers of the Parish in each of the Cases aforesaid shall, as soon as conveniently may be, make a supplemental Valuation List showing the annual rateable Value according to the Judgment of the Overseers (or of a fit Person employed, and, if necessary, paid by them, for estimating the same,) of the Property so become rateable, or of the Parts so become liable to be rated separately, or of the Property so increased or reduced in Value, as the Case may be.

Board may from Time to Time direct new Valuation, and new or supplemental Valuation Lists.

24. The Committee by their Order may from Time to Time, where they see fit, upon the Application of any Person aggrieved by the Valuation List in force in any Parish, or where they themselves think the same expedient, direct a new Valuation of all or any of the rateable Hereditaments in such Parish, and a new Valuation List in substitution for such Valuation List as aforesaid, or a supplemental List in substitution for any Part thereof or in addition thereto, to be made by the Overseers, or by some fit Person, to be appointed and paid, if necessary, by the Overseers, or the Committee may themselves appoint a Person for such Purposes; and if it shall appear to the Committee that such Application was made on frivolous or insufficient Grounds, they may require the Person applying to pay the Costs of the new Valuation; and the Committee may, in directing such new Valuation, and the making of such new or supplemental Valuation List, give and make all such or the like Directions and Provisions in relation thereto as they are authorized under this Act to give and make in relation to the Valuations and Valuation Lists first directed and authorized to be made under the Act.

Provisions of this Act in relation to Valuation Lists first directed to be made to apply to new and supplemental Valuation Lists.

25. All the Provisions of this Act in relation to Signature, Deposit, Objections, Approval, and otherwise concerning the Valuation List first directed and authorized to be made under this Act of the rateable Hereditaments in any Parish shall be applicable to every new or supplemental Valuation List to be made under this Act.

After a Valuation List is approved no Rate to be allowed unless made according to such List.

26. In every Parish where a Valuation List under this Act has been approved and delivered to the Overseers, no Rate for the Relief of the Poor, or other Rate which by Law is required to be based upon the Poor Rate, shall be allowed by any Justices, or be of any Force, unless the Hereditaments included in such Rate, except as herein-after provided, be rated according to the annual rateable Value thereof appearing in the Valuation List in force in such Parish; and the Justices, before they allow such Rate, shall be satisfied, by the Oath of One of the Overseers, or some other Person who shall have examined and compared such Rate with such Valuation List, that the Hereditaments are, to the best of his Belief,

Belief, rated according to the annual rateable Value so appearing: Provided always, that where by reason of any Alteration in the Occupation of any Property included in such List such Property has become liable to be rated in Parts not mentioned in such List as rateable Hereditaments, and separately rated therein, such Parts may, where a supplemental Valuation List showing the annual rateable Value of such Parts has not been approved and delivered as herein-before required, and whether such List has or has not been made, be rated according to such Amounts as shall be fair apportioned Parts of the annual rateable Value appearing in such Valuation List in force as aforesaid of the Hereditaments out of which such Parts have been constituted.

CLAUSE A. Provision for Places under Local Acts.

27. The Provisions of Section Twenty-six shall not apply to any Poor Rate made by any Vestry, Trustees, or Guardians authorized by any Local Act to make the Rate for the Relief of the Poor in any Parish.

CLAUSE B. In computing Amount of Contributions to Common Fund the annual rateable Value to be taken from approved Valuation Lists.

28. When the Assessment Committee for any Union shall have approved Valuation Lists for all the Parishes comprised within such Union, the Guardians of such Union, in computing the Amount of Contribution to the Common Fund for the several Parishes, shall thenceforward take the annual rateable Value of the Property in such Parishes respectively from the Valuation Lists for the Time being in force for such Parishes respectively, any Statute to the contrary notwithstanding.

CLAUSE C. Copy of Valuation Lists to be deposited in Board Room.

29. The Committee shall cause a Copy of the Valuation List for the Time in force for every Parish in the Union to be made and deposited at the Board Room in the Custody of the Clerk, which Copy shall be open at seasonable Times to the Inspection of any of the Guardians of the Union without Charge, and of any Ratepayer within the Union on Payment of One Shilling, such Fee to be carried to the Account of the Common Fund.

Act not to prevent Composition for Rates.

30. Nothing herein contained shall be construed to prevent the Owners of Tenements from compounding for the Rates to be assessed on the same, in such Manner as they were by any Statute or Statutes enabled to do before the passing of this Act.

Saving of Exemptions and special Rules of rating.

31. Nothing herein contained shall extend or be taken to deprive any Property, or the Occupier of any Property, of the Benefit of any Exemption, in whole or in part, to which such Property or Occupier is now by Law entitled, from any Poor Rate, or to render liable to be rated, according to the annual rateable Value thereof, any

any Property which under any Local Act or otherwise is entitled to be rated upon a fixed Amount, or according to any special or exceptional Principle of Valuation, whether such Property shall or shall not be included in any Valuation List in force under this Act, or shall in anywise affect the Provisions of "The Cambridge Award Act, 1856." 5

Board may allow Compensation for Returns, &c. and Expenses.

32. The Committee may allow such Compensation for any Returns, Copies, or Extracts, or any Valuation, or Valuation List, or other Act, Matter, or Thing to be made or done in pursuance of their Order, and such Expenses connected therewith, as to the Committee in each Case seems just. 10

Clause D. Remuneration to Clerk and certain Expenses of Committee to be paid out of Common Fund.

33. The Remuneration allowed by the Committee to their Clerk, and all Expenses incurred by them for the common Use and Benefit of the several Parishes within the Union for which they are appointed, shall be paid by the Guardians of the said Union, and be charged upon the Common Fund thereof. 15

Clause E. Expenses of Valuation, &c. to be paid out of Poor Rates.

34. The Expenses of making any Valuation and Valuation List of any Parish, or any of such Expenses, whether such Survey, Map, Plan, Valuation and Valuation List respectively be made by the Overseers, or by any Person appointed by them or the Committee, shall be charged upon the Poor Rates of such Parish; except wherein, as herebefore provided, the Committee require any Person applying for a new Valuation to pay the Costs of such Valuation, when the Expenses thereof shall be charged to such Person. 20

Penalty for Non-attendance, &c., in obedience to Order of the Board.

Injuring, &c. Rate Books a Misdemeanour.

False Evidence Perjury.

35. Every Person who wilfully refuses to attend in obedience to any lawful Order of any such Committee, or to give Evidence, or refuses to produce any Rate Book which may be lawfully required to be produced before such Board, shall for every such Offence be liable to a Penalty not exceeding Twenty Pounds upon a summary Conviction for the same before Two Justices of the Peace; and every Person who wilfully injures, effaces, conceals, or destroys such Rate Book shall be deemed guilty of a Misdemeanor; and every Person who, upon any Examination upon Oath before any such Committee, wilfully and corruptly gives false Evidence, shall be subject to the Penalties of wilful and corrupt Perjury. 25 30 35

Authentication and Service of Orders and Notices of the Committee.

36. Every Order and Notice made or given by the Committee under this Act may be in Writing or Print, or partly in Writing and partly in Print, and shall be sufficiently authenticated if signed by their Clerk, and may be served by the same or a Copy thereof being delivered

delivered personally or sent by the Post to the Party on or to whom such Order or Notice purports to be made or given, or by being delivered to some Inmate of his usual Place of Abode; and every Order and Notice so served on One Overseer of a Parish shall be deemed served on all the Overseers of such Parish.

37. Any Notice or Statement required to be served upon the Committee may be served by being left at the Office of the Clerk to the Board of Guardians, or sent through the Post Office, addressed to the Committee at such Office, or by being delivered personally to their Clerk, or to some Inmate of his usual Place of Abode.

Service of Notices, &c. on the Committee.

38. In every Parish, until a Valuation List has been approved, and delivered to the Overseers under this Act, every Rate made for the Relief of the Poor in such Parish shall be made in the Form and contain the Particulars required by the said Act of the Sixth and Seventh Years of King William the Fourth; and after such Valuation List has been so approved and delivered, every such Rate shall show the annual Value of each Hereditament comprised therein, according to the Valuation List in force in such Parish.

Provision as to Form of Poor Rate.

39. All the Powers, Authorities, Provisions, Clauses, and Regulations now in force relating to the Assessment, Collection, and levying of Poor Rates (save so far as the same are hereby repealed or altered) shall be good, valid, and effectual for the Purposes of assessing, levying, collecting, and enforcing the Payment of such Rate and for carrying this Act into execution.

Provisions concerning the Assessment, &c. of Poor Rates to be applicable to Rates made according to this Act.

40. This Act shall extend only to England.

Extent of Act.

SCHEDULE.

VALUATION LIST for [the Parish or Place for which the List is made] in the County of

Name of Occupier.	Name of Owner.	Description of Property.	Name or Situation of Property.	Estimated Extent.	Gross estimated Rental.	Rateable Value.

Signed this Day of

A.B.
C.D. } Overseers of the Poor of the Parish aforesaid.

Parochial Assessments.

A

BILL

[AS AMENDED BY THE SELECT COMMITTEE]

To amend the Law relating to Parochial Assessments in England.

(*Prepared and brought in by Mr. Clive, Sir George Grey, and Mr. Villiers.*)

Ordered, by The House of Commons, *to be Printed,* 2 *June* 1862.

[Bill 144.]

Under 2 *oz.*

A

BILL

[AS AMENDED BY THE SELECT COMMITTEE AND IN COMMITTEE]

TO

Amend the Law relating to Parochial Assessments in England.

WHEREAS it is expedient that more effectual Provision should be made for securing uniform and correct Valuations of Parishes in the Unions of England: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. The Words used in this Act shall be construed in like Manner as the Words contained in the Act Fourth and Fifth of King William the Fourth, Chapter Seventy-six, and the Word "Committee" shall signify the Assessment Committee provided for by this Act; and this Act shall be termed "The Union Assessment Committee Act, 1862." Interpretation.

2. The Board of Guardians of every Union, formed under the Act, Fourth and Fifth Years of King William the Fourth, Chapter Seventy-six, shall, as soon as convenient after the passing of this Act and in every subsequent Year, at their First Meeting after the annual Election of Guardians, appoint from among themselves any Number not less than Appointment of the Assessment Committee by Board of Guardians.

than Six nor more than Twelve to be a Committee, consisting partly of ex-officio and partly of elected Guardians, to be called the Assessment Committee of the Union, for the Investigation and Supervision of the Valuations to be made as herein-after mentioned within such Union, and for the Performance of such said Acts and Duties as herein-after mentioned: Provided always, that One Third at least of such Committee shall consist of ex-officio Guardians, in case there shall be an adequate Number of such ex-officio Guardians; but in case an adequate Number of such ex-officio Guardians shall not exist, then the Number so deficient shall be made up of elected Guardians.

CLAUSE F. Where Union conterminous with Borough Names of Assessment Committee to be transmitted to Town Council, who may appoint additional Members.

3. Where any Union shall be conterminous with a Municipal Borough, the Clerk to the Guardians of such Union shall, upon the Appointment of the Assessment Committee, transmit in Writing the Names of the Persons so appointed to the Town Council of such Borough, and such Council may thereupon, if they think fit, appoint from themselves a certain Number, not exceeding the Number appointed by the Board of Guardians, who shall, until they respectively cease to be Members of the Town Council or decline to act, forthwith form Part of the Assessment Committee for such Union, and the said Council may from Time to Time supply any Vacancies in the Number of Persons appointed by them.

Provision for Neglect to appoint.

4. If the Guardians shall neglect or be prevented from making such Appointment at the Meeting above specified, the Poor Law Board shall by their Order appoint some other Day on which the Guardians shall make such Appointment.

Provision for Vacancies.

5. If any ex-officio or elected Guardian being a Member of the Committee cease to be Guardian, or resign his Seat at such Committee, or die, or become incapable of acting as such Member, the Board of Guardians shall with all convenient Speed appoint an ex-officio or elected Guardian, as the Case may be, to supply the Vacancy.

Continuing Members may act during Vacancies.

6. During any Vacancy in any Assessment Committee the other or continuing Members of such Committee may act, and shall have the same Powers and Jurisdiction as if no such Vacancy had happened.

Extent of Committee's Authority.

7. The Authority of the Committee appointed for any Union under this Act shall extend over every Parish comprised in such Union.

8. The

8. The Committee shall hold their First Meeting at the Board Room of the Union on a Day to be fixed by the Board of Guardians, and the subsequent Meetings of the Committee shall be holden at such Times and at such Place and upon such Notice and Requisition as they shall from Time to Time appoint.

First Meeting, when to be holden.

9. All Acts, Orders, Matters, and Things by this Act authorized or directed to be made or done by the Committee may be made or done by the major Part of the Members of such Committee who shall be present at a Meeting, the whole Number present together at such Meeting not being less than Three, and not less in any Case than One Third of the whole Number of which such Committee consists; and when upon any Question there shall be an Equality of Votes the presiding Chairman shall have a Second or Casting Vote.

Quorum of Meetings.

10. The Committee shall employ the Clerk or Assistant Clerk of the Board of Guardians as their Clerk, with such Remuneration for his Services as the Poor Law Board shall sanction.

Committee may employ and pay Clerk.

11. The Committee shall cause a Minute of their Proceedings, and of the Names of the Members who attend each Meeting, to be duly made from Time to Time in Books to be provided for that Purpose, which shall be kept by their Clerk, under their Superintendence, and every such Entry shall be signed by the presiding Chairman of the Assessment Committee present at the Meeting at which the Proceeding took place; and such Entry, purporting to be so signed, shall be received as Evidence in all Courts, and before all Judges, Justices, and others, without Proof of such Meeting having been duly convened or held, or of the Persons attending such Meeting having been or being Members of the Committee, or of the Signatures of the Members, all of which Facts shall be presumed until the contrary be proved; and all such Books shall at all seasonable Times be open to the Inspection of every Person rated to the Relief of the Poor in any Parish or Place in the Union, without any Fee being demanded for such Inspection; and all such Persons shall be entitled at all seasonable Times to take Copies or Extracts from the said Books, without paying any Fee for the same; and if, on Request made for that Purpose, the Clerk of the Committee refuse to permit any such Person to inspect any such Books, or to take Copies or Extracts therefrom, as aforesaid, such Clerk shall for every such Offence be liable to a Penalty not exceeding Five Pounds, upon a summary Conviction for the same before Two Justices of the Peace.

Proceedings to be entered in Books, and signed; such Entries Evidence. Books to be open to Inspection.

12. The Board of Guardians shall in the Month of April in every Year report the Proceedings of their Assessment Committee to the Poor Law Board.

Proceedings of Committees to be reported to the Poor Law Board.

 13. The

Committee may require Returns from Overseers, &c.;

13. The Committee by their Order may from Time to Time require the Overseers, Assistant Overseers, Constables, Assessors, Collectors, and any other Persons having the Custody of any Books of Assessment of any Taxes or Rates, Parliamentary or Parochial, or of the Valuations of any Parish, or having the Collection or Management of any such Taxes or Rates, to make Returns in Writing to the Committee, at such Times and Places as they may appoint, of all such Particulars as they may direct in relation to such Taxes, Rates, or Valuations, or any Property included therein, so far as relates to the Union for which they act, and may require the Persons having the Custody of any such Books as aforesaid to make and transmit to the Committee Copies of or Extracts from such Books, or to permit such Copies or Extracts to be made by such Persons as the Committee may in that Behalf direct; and may from Time to Time require any Persons having the Custody of any such Books, or the Collection or Management of any such Taxes or Rates as aforesaid, to attend before them at a Time and Place to be mentioned in the Order in this Behalf, and to produce all parochial and public Books of Assessment, Rates, Rate Books, Valuations, Apportionments, Tithe and other Maps, Plans, Surveys, and other public Documents in their Custody or Power, and may examine all Persons who shall attend before them: Provided always, that nothing herein contained shall authorize the Production of Valuations or Assessments which by any Provision of Law at present are not suffered to be made public.

and may require Production of Rates, &c., and examine Persons attending before them.

Overseers to prepare Valuation Lists.

14. Subject to any Order as herein-after referred to which may be made by the Committee, the Overseers of each Parish in the Union shall, within Three Calendar Months after the Appointment of such Committee, make a List of all the rateable Hereditaments in such Parish, with the annual Value thereof respectively in so much of the Form shown in the Schedule annexed to the Act Sixth and Seventh William the Fourth, Chapter Ninety-six, as is set out in the Schedule to this Act; and unless such Overseers think that the Valuation then last acted upon in assessing the Rate for the Relief of the Poor correctly shows the full annual rateable Value of all such Hereditaments, they shall revise such Valuation, and such Overseers shall sign every List so made by them as aforesaid, and such List shall be styled "The Valuation List."

CLAUSE G. Definition of gross estimated Rental.

15. The gross estimated Rental for the Purpose of the Schedule to this Act, shall be the Rent at which the Hereditament might reasonably be expected to let from Year to Year, free of all usual Tenants Rates and Taxes, and Tithe Commutation Rentcharge, if any.

16. The

16. The Committee by their Order may from Time to Time enlarge the Time within which the First Valuation Lists under this Act shall be made by the Overseers of all or any of the Parishes in the Union, and for ensuring a uniform and correct Valuation of every Parish in the Union may direct that any existing Valuation of the rateable Hereditaments in any Parish be revised, in whole or in part, or a new Valuation of such Hereditaments be made by the Overseers, or the Committee may, with the Consent of the Board of Guardians of the Union, after Notice shall have been sent to every Guardian thereof, in any Case appoint some Person for either of the Purposes aforesaid, and may direct such Person to make and sign the Valuation List instead of the Overseers, and every Valuation List so made and signed shall be delivered by such Person to the Overseers of the Parish to which the same relates.

Committee may enlarge the Time for making Valuation Lists, and may give Directions concerning Valuations and Valuation Lists, and may appoint Persons to make the same.

17. The Valuation List for each Parish, made and signed by the Overseers, or delivered to them, as herein-before provided, shall be deposited by the Overseers in the Place in such Parish in which Rate Books are deposited or kept, and a Copy of such Valuation List shall be forthwith delivered to the Board of Guardians, and the Overseers shall give public Notice of the Deposit of such List on the Sunday next following the Deposit of such List, and such Notice shall be given in the same Manner, and all Persons assessed or liable to be assessed to the Relief of the Poor of such Parish shall have the like Right of inspecting, and of demanding and taking Copies of and Extracts from such List, as in the Case of a Poor Rate allowed by the Justices, and the Overseers shall, at the Expiration of Fourteen Days from the Time of the Notice given of the Deposit of such List, transmit the same to the Committee, and any Overseer or other Ratepayer within the Union shall have the Right of inspecting and taking Copies of and Extracts from any of the Lists so transmitted.

Valuation Lists to be deposited for Inspection, and afterwards transmitted to the Committee.

18. Any Overseer or Overseers of any Parish in any Union who shall have reason to think that such Parish is aggrieved by the Valuation List of any Parish within such Union, or any Person who may feel himself aggrieved by any Valuation List on the Ground of Unfairness or Incorrectness in the Valuation of any Hereditaments included therein, or on the Ground of the Omission of any rateable Hereditament from such List, may at any Time after the Deposit as aforesaid of such List, and before the Expiration of Twenty-eight Days after the Notice of the Deposit as aforesaid, give to the Committee and to the Overseers a Notice in Writing of his Objection, specifying the Grounds thereof, and where the Ground of any Objection shall be Unfairness or Incorrectness in

Objections to Valuation List.

in the Valuation of any Hereditament in respect of which any Person, other than the Person objecting, is liable to be rated, or the Omission of such Hereditament, also give Notice in Writing of such Objection, and of the Ground thereof, to such other Person.

Committee to hold Meetings to hear Objections.

19. The Committee shall hold such Meetings as they may think necessary for hearing Objections to the Valuation Lists, and shall, Twenty-eight Days at least before holding every Meeting for hearing Objections to Valuation Lists, other than Meetings by Adjournment, cause Notice of such Meeting to be given to the Overseers of the several Parishes to which such Lists relate, and such Overseers shall, on the Sunday next following the Receipt of such Notice, publish the same in the Manner in which Notice of a Rate allowed by Justices is by Law required to be given, and the Committee may at any such Meeting hear and determine such Objections, or may from Time to Time adjourn any such Meeting, and adjourn or postpone the Hearing or further Hearing and Determination of any such Objections, and may, where they think fit, direct Notice of any such Objections to be given by the Overseers or by the Persons objecting to Third Parties before the further Hearing thereof; but the Committee shall not be required to hold a Meeting for hearing Objections to the Valuation List of any Parish, unless such Notice in Writing as herein-before mentioned of some Objection or Objections thereto have been given to the Committee; and where a Meeting is holden for hearing Objections to the Valuation List of any Parish, the Committee shall not hear any Objection to such Valuation List unless such Notice as aforesaid of such Objection have been given to the Committee and to the Overseers; and where the Ground of such Objection is Unfairness, or Incorrectness in the Valuation of any Hereditament, of any other Person than the Person objecting, or the Omission of such Hereditament, also to such other Person, by the Person objecting, except where the Overseers, by themselves or any other Person on their Behalf, and in the Case aforesaid such other Person as aforesaid, by himself or any other Person on his Behalf, consent to the Hearing of such Objection, and in such Case the Committee may, if they see fit, hear the same; and where the Committee see fit to hear the same, they shall act in relation thereto in like Manner as if Notice of such Objection had been duly given.

Board may direct further Valuation, and correct Valuation Lists, and when cor-

20. The Committee may, whether any Objection be or be not made to any such Valuation List, and either before or after any Meeting for hearing Objections, make such Alterations in the Valuation of any Hereditaments included in any Valuation List, and insert therein any rateable Hereditament omitted therefrom, and make such Corrections in Names, Descriptions, and Particulars in any Valuation List,

List, and upon such Information, as to them may seem sufficient, and may, with the Consent of the Guardians as aforesaid, appoint or employ a Person to survey and value the rateable Hereditaments comprised in any such Valuation List or any of them, or omitted therefrom, or may take such other Means as they may think necessary for ascertaining the Correctness thereof; and when the Committee have heard and determined all such Objections as aforesaid, and have made such Alterations, Insertions, and Corrections in any Valuation List, as to them may seem proper, they shall approve the same under the Hands of Three Members of the Committee present at the Meeting at which the same is approved, with the Date of such Approval.

rected to approve the same.

21. Where the Committee make any Alteration in the Valuation of any Hereditaments included in, or insert therein any rateable Hereditament omitted from, any such Valuation List, they shall cause such Valuation List, with such Alteration or Insertion, to be deposited for Inspection in manner herein-before provided concerning the Valuation List made by or delivered to the Overseers, and shall cause the like Notice to be given of such Deposit as is required in the Case of a Valuation List so made or delivered as aforesaid, and shall appoint a Day, not less than Seven Days nor more than Fourteen Days from the Re-deposit of such Valuation List, for the Hearing of any Objections to the Valuation List as so altered; and when the Committee have heard and determined any such Objections, or have made such further Alterations, Insertions, and Corrections in such Valuation List, they shall approve the same in manner herein-before provided.

Valuation List when altered to be deposited, &c.

22. In case any Ratepayer shall under the existing Law appeal to the Special Sessions or Quarter Sessions against any Rate made for the Relief of the Poor in any Parish, and the Result of such Appeal shall be to amend the Rate appealed against, the Assessment Committee shall alter the Valuation List of the said Parish in conformity with the Decision so made.

If on Appeal a Rate is amended the Valuation List to be altered.

23. Every Valuation List, when approved by the Committee, shall be delivered to the Overseers of the Parish to which the same relates, and shall be preserved at the like Place and in the like Custody, and be subject to the like Resort thereto, and be delivered over from Time to Time in like Manner as the Books are wherein Rates and Assessments for the Relief of the Poor for the same Parish are entered, and shall be produced by the Overseers before the Justices, upon Application, for the Allowance of Rates, and at the Special or General or Quarter Sessions when any Appeal is to be heard,

Custody, &c. of Valuation List after Approval.

heard, and also at such Times and Places as the Committee may from Time to Time direct.

What shall be deemed Valuation Lists in force.

24. Every Valuation List approved by the Committee, and delivered to the Overseers of the Parish to which the same relates, shall, with and subject to the Alterations and Additions for the Time being made therein or thereto by any supplemental Valuation Lists so approved and delivered, be the Valuation List in force in such Parish until a new Valuation List in substitution for the same be approved and delivered in like Manner.

Overseers to prepare supplemental Valuation Lists in case of Additions to or Alterations in the rateable Property of the Parish.

25. When and so often as any Property not included in the Valuation List in force in any Parish becomes rateable, or where, by reason of any Alteration in the Occupation of any Property included in such List, such Property becomes liable to be rated in Parts not mentioned in such List as rateable Hereditaments and separately valued therein, and when and so often as it shall appear to the Overseers that any rateable Property included in such List has been increased or reduced in Value since the Valuation thereof, whether by Building, Destruction of Building, or other Alteration in the Condition thereof or otherwise, the Overseers of the Parish in each of the Cases aforesaid shall, as soon as conveniently may be, make a supplemental Valuation List showing the annual rateable Value according to the Judgment of the Overseers of the Property so become rateable, or of the Parts so become liable to be rated separately, or of the Property so increased or reduced in Value, as the Case may be.

Committee may from Time to Time direct new Valuation, and new or supplemental Valuation Lists.

26. The Committee by their Order may from Time to Time, where they see fit, upon the Application of any Person aggrieved by the Valuation List in force in any Parish, or where they themselves think the same expedient, direct a new Valuation of all or any of the rateable Hereditaments in such Parish, and a new Valuation List in substitution for such Valuation List as aforesaid, or a supplemental List in substitution for any Part thereof or in addition thereto, to be made by the Overseers, or the Committee may, with such Consent as aforesaid, appoint a Person for such Purposes; and the Committee may, in directing such new Valuation, and the making of such new or supplemental Valuation List, give and make all such or the like Directions and Provisions in relation thereto as they are authorized under this Act to give and make in relation to the Valuations and Valuation Lists first directed and authorized to be made under the Act.

27. All

27. All the Provisions of this Act in relation to Signature, Deposit, Objections, Approval, and otherwise concerning the Valuation List first directed and authorized to be made under this Act of the rateable Hereditaments in any Parish shall be applicable to every new or supplemental Valuation List to be made under this Act.

Provisions of this Act in relation to Valuation Lists first directed to be made to apply to new and supplemental Valuation Lists.

28. In every Parish where a Valuation List under this Act has been approved and delivered to the Overseers, no Rate for the Relief of the Poor, or other Rate which by Law is required to be based upon the Poor Rate, shall be of any Force, unless the Hereditaments included in such Rate, except as herein-after provided, be rated according to the annual rateable Value thereof appearing in the Valuation List in force in such Parish; and instead of the Declaration required by the Second Section of the said Statute of the Sixth and Seventh Years of William the Fourth, Chapter Seventy-six, the Overseers shall, before the Rate shall be allowed by the Justices, sign a Declaration according to the Form set forth in the Schedule hereunto annexed: Provided always, that where by reason of any Alteration in the Occupation of any Property included in such List such Property has become liable to be rated in Parts not mentioned in such List as rateable Hereditaments, and separately rated therein, such Parts may, where a supplemental Valuation List showing the annual rateable Value of such Parts has not been approved and delivered as herein-before required, and whether such List has or has not been made, be rated according to such Amounts as shall be fair apportioned Parts of the annual rateable Value appearing in such Valuation List in force as aforesaid of the Hereditaments out of which such Parts have been constituted.

After a Valuation List is approved no Rate to be allowed unless made according to such List.

29. The Provisions of Section Twenty-eight shall not apply to any Poor Rate made by any Vestry, Trustees, Guardians, Commissioners, Overseers, or other Persons authorized by any Local Act to make the Rate for the Relief of the Poor in any Parish, or the Assessment on which such Rate is made.

CLAUSE A. Provision for Places under Local Acts.

30. When the Assessment Committee for any Union shall have approved Valuation Lists for all the Parishes comprised within such Union, the Guardians of such Union, in computing the Amount of Contribution to the Common Fund for the several Parishes, shall thenceforward take the annual rateable Value of the Property in such Parishes respectively from the Valuation Lists for the Time being in force for such Parishes respectively, any Statute to the contrary notwithstanding: Provided that in case any Parish comprised in any Union shall receive any Sum of Money as a Contribution in aid of the Poor Rate of such Parish, for or in respect of Government Property

CLAUSE B. In computing Amount of Contributions to Common Fund the annual rateable Value to be taken from approved Valuation Lists.

Property within such Parish and used for public Purposes, the annual Value of such Property, according to the Estimate (if any) of such Value on which the Amount of the Sum of Money so received is computed, or, if there be no such Estimate, then the annual Value of such Property, estimated in the Mode provided by the Act Sixth and Seventh William the Fourth, Chapter Ninety-six, for making an Estimate of the annual rateable Value of Property liable to be rated to Rates for the Relief of the Poor, shall be included by the Overseer or Overseers in the Valuation List of such Parish, and shall be added to the annual rateable Value of the Property in such Parish in computing the Amount of Contribution to the Common Fund for the several Parishes in such Union.

CLAUSE C. Copy of Valuation Lists to be deposited in Board Room.

31. The Committee shall cause a Copy of the Valuation List for the Time in force for every Parish in the Union to be made and deposited at the Board Room or other convenient Place to be appointed by the Board of Guardians in the Custody of the Clerk, which Copy shall be open at seasonable Times to the Inspection of any of the Guardians of the Union, and of any Overseer of any Parish within the Union, without Charge, and of any Ratepayer within the Union on Payment of One Shilling, such Fee to be carried to the Account of the Common Fund.

CLAUSE H. Appeal against Valuation List.

32. If the Overseer or Overseers of any Parish in any Union shall have Reason to think that such Parish is aggrieved by the Valuation List of any Parish within such Union, whether it be on the Ground that the rateable Hereditaments comprised in the Valuation List of such Parish are valued at Sums beyond the annual rateable Value thereof, or on the Ground that the rateable Hereditaments comprised in the Valuation List of some other Parish in such Union are valued at Sums less than the annual rateable Value thereof, it shall be lawful for such Overseer or Overseers, with the Consent of a Vestry summoned for the Purpose of considering the Expediency of giving such Consent, to appeal to the Quarter Sessions for the County or Borough in which the greatest Number of Parishes belonging to the Union is situate, at any Quarter Sessions to be holden after the Expiration of a Month after the Allowance of and Deposit of such Valuation List as aforesaid, against such Valuation List of the Parish which shall appear to be over-valued or under-valued; and if in any Case any such Overseer or Overseers appeal against the Valuation List of any other Parish on the Ground that the rateable Hereditaments in such List are valued at less than the annual rateable Value thereof, such Overseer or Overseers shall give Fourteen clear Days Notice in Writing, previous to the First Day of the said Quarter Sessions at which the Appeal is to be made, of the Intention to appeal, and the Grounds thereof,

thereof, to the Overseers of the Poor of such Parish, and to the Assessment Committee; and if any Overseer or Overseers of any Parish appeal against the Valuation List of such Parish on the Ground that the rateable Hereditaments in such List are valued beyond the annual rateable Value thereof, such Overseer or Overseers shall give Fourteen Days Notice in Writing previous to the Quarter Sessions at which the Appeal is to be made, of the Intention to appeal, and the Grounds thereof, to the Clerk of the Union in which such Parish is situate, the said Court shall be empowered to hear and determine such Appeal, and either confirm such Valuation List, or correct such Irregularities or Inaccuracies as shall be proved to exist therein as to them may appear fair and just; but no such Valuation List shall upon such Appeal be quashed or destroyed in regard to any other Parish unless the Court deem it necessary to proceed to the making of an entire new Valuation List as herein-after provided.

Clause I. Hearing and determining Appeals.

33. It shall be lawful for the Court of Quarter Sessions upon any such Appeal, instead of hearing the said Appeal, to adjourn the same, and to order, upon the Application of the Appellant or Respondent in such Appeal, a Survey or Valuation of any of the Parishes in respect of which such Appeal shall be made, and to fix the next or some subsequent Sessions for receiving such Survey or Valuation, and for hearing and determining such Appeal; and such Court shall also thereupon appoint a proper Person to make such Survey or Valuation, and the Person so appointed shall have Power, with or without Assistants, to enter upon and survey, measure, and value all the Hereditaments liable to be assessed to the Rates for the Relief of the Poor within the Parish or Parishes mentioned in such Order, and such Survey and Valuation shall be reported to the Quarter Sessions on Adjournment fixed as aforesaid for receiving the same, and the Court then and there assembled shall hear and determine the said Appeal in the Manner herein-before set forth.

Clause K. Costs of Valuation and Appeal.

34. The Charges and Expenses of any such Survey and Valuation so ordered shall be deemed Costs in such Appeal, and abide the Event thereof, and the Court before which any such Appeal is heard and determined may order the Costs in and about the Appeal to be paid by either the Appellant or Respondent Party, as they in their Discretion may think fit; but where any Appeal is made on the Ground that the rateable Hereditaments of any Parish comprised in the Valuation List of such Parish are valued beyond the annual rateable Value thereof, if the Court on such Appeal determine in favour of the Appellants, such Court shall ascertain the Costs and Charges incurred by such Appellants in and about such Appeal, and shall order the Board of Guardians of the Union in which such Parish

is situate to pay the same to the Appellants out of the Money raised for the Common Fund for the several Parishes in such Union.

Act not to prevent Composition for Rates.

35. Nothing herein contained shall be construed to prevent the Owners of Tenements from compounding for the Rates to be assessed on the same, in such Manner as they were by any Statute or Statutes enabled to do before the passing of this Act. 5

Saving of Exemptions and special Rules of rating.

36. Nothing herein contained shall extend or be taken to render liable to be rated any Property, or any Person in respect of any Occupation not now by Law rateable of any Property, or to deprive any Property, or the Occupier of any Property, of the Benefit of any Exemption, in whole or in part, to which such Property or Occupier is now by Law entitled, from any Poor Rate or other Rate which by Law is required to be based upon the Poor Rate, or to render liable to be rated, according to the annual rateable Value thereof, any Property which under any Local Act or otherwise is entitled to be rated upon a fixed Amount, or according to any special or exceptional Principle of Valuation, whether such Property shall or shall not be included in any Valuation List in force under this Act, or shall in anywise affect the Provisions of "The Cambridge Award Act, 1856." 10 15 20

Board may allow Compensation for Returns, &c. and Expenses.

37. The Committee may allow such Compensation for any Returns, Copies, or Extracts, or any Valuation, or Valuation List, or other Act, Matter, or Thing to be made or done in pursuance of their Order, and such Expenses connected therewith, as to the Committee in each Case seems just. 25

CLAUSE D. Remuneration to Clerk and certain Expenses of Committee to be paid out of Common Fund.

38. The Remuneration allowed by the Committee to their Clerk, and all Expenses incurred by them for the common Use and Benefit of the several Parishes within the Union for which they are appointed, shall be paid by the Guardians of the said Union, and be charged upon the Common Fund thereof. 25

CLAUSE E. Expenses of Valuation, &c. to be paid out of Poor Rates.

39. The Expenses of making any Valuation and Valuation List of any Parish, or any of such Expenses, whether such Valuation and Valuation List respectively be made by the Overseers, or by any Person appointed by the Committee, shall be charged upon the Poor Rates of such Parish if the Valuation made by Direction of the Committee shall exceed by One Sixth the Amount of the Valuation delivered to them by the Overseers, and upon the Common Fund of the said Union if the Valuation so made as last mentioned shall not exceed by One Sixth the Valuation so delivered as aforesaid. 30

40. Every

40. Every Person who wilfully refuses to attend in obedience to any lawful Order of any such Committee, or to give Evidence, or refuses to produce any Rate Book which may be lawfully required to be produced before such Committee, shall for every such Offence be liable to a Penalty not exceeding Twenty Pounds upon a summary Conviction for the same before Two Justices of the Peace; and every Person who wilfully injures, defaces, conceals, or destroys such Rate Book, or who upon any Examination before any such Committee wilfully gives false Evidence, shall be deemed guilty of a Misdemeanor.

Penalty for Non-attendance, &c., in obedience to Order of the Committee.

Injuring, &c. Rate Books a Misdemeanor.

41. Every Order and Notice made or given by the Committee under this Act may be in Writing or Print, or partly in Writing and partly in Print, and shall be sufficiently authenticated if signed by their Clerk, and may be served by the same or a Copy thereof being delivered personally or sent by the Post to the Party on or to whom such Order or Notice purports to be made or given, or by being delivered at his usual Place of Abode.

Authentication and Service of Orders and Notices of the Committee.

42. Any Notice or Statement required to be served upon the Committee may be served by being left at the Office of the Clerk to the Board of Guardians, or sent through the Post Office, addressed to the Committee at such Clerk's Office, or by being delivered personally to their Clerk, or at his usual Place of Abode.

Service of Notices, &c. on the Committee.

43. In every Parish, until a Valuation List has been approved, and delivered to the Overseers under this Act, every Rate made for the Relief of the Poor in such Parish shall be made in the Form and contain the Particulars required by the said Act of the Sixth and Seventh Years of King William the Fourth; and after such Valuation List has been so approved and delivered, every such Rate, except in any Parish where the Poor Rate is made under the Provisions of a Local Act as aforesaid, shall show the annual Value of each Hereditament comprised therein, according to the Valuation List in force in such Parish.

Provision as to Form of Poor Rate.

44. All the Powers, Authorities, Provisions, Clauses, and Regulations now in force relating to the Assessment, Collection, and levying of Poor Rates (save so far as the same are hereby repealed or altered) shall be good, valid, and effectual for the Purposes of assessing, levying, collecting, and enforcing the Payment of such Rate and for carrying this Act into execution.

Provisions concerning the Assessment, &c. of Poor Rates to be applicable to Rates made according to this Act.

45. And whereas there are divers Unions or Incorporations for the Relief of the Poor formed under Local Acts and under the Act of the Twenty-

CLAUSE L. Power for Unions

under Gilbert's or Local Acts to be included in this Act.

Twenty-second Year of King George the Third, Chapter Eighty-three, which may desire to adopt the Provisions of this Act: Be it enacted, That any such Union or Incorporation, on Resolution to that Effect of a Majority, at Two successive Meetings of the Body, having under the Constitution of such Union or Incorporation the Management of the Relief of the Poor within the same, may, by Writing under the Hand of the presiding Chairman of the Second of such Meetings, apply to the Poor Law Board to be included in this Act; and such Union or Incorporation, upon the Consent of the Poor Law Board being given to such Application, under its Seal, shall be so included; and such Consent so signified shall be Evidence that such Application was in all respects duly made according to the Provisions above mentioned; and such Regulations shall thereafter be made from Time to Time by the said Board, with the Consent of such Body, as may be necessary to render the Provisions of this Act conformable with the Provisions of the Act under which the said Union or Incorporation shall have been formed.

Extent of Act.

46. This Act shall extend only to England.

SCHE-

SCHEDULE.

VALUATION LIST for [the Parish or Place for which the List is made] in the County of

Name of Occupier.	Name of Owner.	Description of Property.	Name or Situation of Property.	Estimated Extent.	Gross estimated Rental.	Rateable Value.

Signed this Day of

A.B.
C.D. } Overseers of the Poor of the Parish aforesaid.

DECLARATION TO BE ADDED TO THE RATE.

WE, the undersigned, do hereby declare that One of us, or some Person on our Behalf, has examined and compared the several Particulars in the respective Columns of the above Rate with the Valuation List made under the Authority of the Union Assessment Committee Act of 1862, in force in this Parish (*or* Township), and the several Hereditaments are, to the best of our Belief, rated according to the Value appearing in such Valuation List.

_____ } Churchwardens.

_____ } Overseers.

Parochial Assessments.

A

BILL

[AS AMENDED BY THE SELECT COMMITTEE AND IN COMMITTEE]

To amend the Law relating to Parochial Assessments in England.

(*Prepared and brought in by Mr. Clive, Sir George Grey, and Mr. Villiers.*)

Ordered, by The House of Commons, *to be Printed,* 15 *July* 1862.

[Bill 210.]

Under 2 oz.

LORDS AMENDMENTS

TO THE

PAROCHIAL ASSESSMENTS BILL.

Note.—*The Page and Line refer to the Bill* (203.) *as printed by the Lords.*

Page 2.

Line 12. Leave out ("be conterminous with") and insert ("have the same Bounds as")

Line 14. After ("Committee") insert ("if directed by the said "Guardians to do so")

Page 5.

At End of Clause 15. add ("Provided that nothing herein "contained shall repeal or interfere with the Provisions contained in "the First Section of the said Act (6th and 7th Will. 4. Cap. 96.), "defining the Net annual Value of the Hereditaments to be rated")

[Bill 244.]

LORDS AMENDMENTS

TO THE

PAROCHIAL ASSESSMENTS BILL.

Ordered, by The House of Commons, *to be Printed,*
29 *July* 1862.

[Bill 244.]

Under 1 *oz.*

A

BILL

TO

Make further Provision with respect to the raising of Money for erecting and improving Parochial Buildings in Scotland.

WHEREAS it is expedient that Provision should be made for raising the Money required for the Erection and Improvement of Parochial Buildings in Scotland by Annual Assessments extending over a limited Period: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. The Expression "Parochial Building" in this Act shall mean and include Church, Manse, Churchyard Walls, Schoolhouse, and Schoolmaster's House respectively. Interpretation.

2. The Heritors of any Parish in Scotland in which any new or additional Parochial Building is to be erected, or any existing Parochial Building is to be improved or enlarged, may at any Meeting of such Heritors resolve that the Money required to defray the Expense of the Erection, Improvement, or Enlargement of such Parochial Building shall be raised by annual Assessments extending over Heritors may resolve that Expense of Parochial Buildings may be raised by annual Assessments.

over any Period not exceeding *Ten* Years; and on the Adoption of such Resolution such annual Assessments for the Period specified therein shall be imposed, levied, and recovered on and from the Heritors of such Parish in the same Manner, and with the same Liabilities and Rights of Relief, as Assessments for the Erection, Improvement, or Enlargement of such Parochial Building are or may be levied under the Authority of any existing Act relating thereto, or otherwise according to the Law of Scotland.

Power to borrow Money.

3. On the Adoption of such Resolution it shall be lawful for the Heritors of such Parish, if they think fit, to borrow the Money required to defray the Expense of the Erection, Improvement, or Enlargement of such Parochial Building, and in security of the Repayment of the Money so borrowed, and the Interest thereof, to charge and assign the said annual Assessments by a Bond and Assignation, signed by any *Two* Heritors authorized to sign the same at the Meeting at which it shall be resolved to borrow such Money; and in case of Nonpayment of the Money so borrowed, or any Instalment thereof, and the Interest thereon, when the same become due, the Creditor in or Person having right to such Bond and Assignation shall have the same Rights and Remedies for the Recovery of the Sums Principal and Interest due or to become due under such Bond and Assignation as are competent to the Heritors of such Parish by any existing Act, or otherwise by the Law of Scotland, for levying and recovering Assessments for the Erection, Improvement, or Enlargement of such Parochial Building.

Money borrowed to be repaid by annual Instalments.

4. The Money borrowed to defray the Expense of erecting, improving, or enlarging any Parochial Building shall be repaid by annual Instalments of not less in any One Year than *One Tenth* Part of the Principal Sum borrowed, exclusive of the Payment of Interest thereon.

Parochial Buildings (Scotland).

A

B I L L

To make further Provision with respect to the raising of Money for erecting and improving Parochial Buildings in Scotland.

(*Prepared and brought in by Sir William Dunbar and The Lord Advocate.*)

Ordered, by The House of Commons, *to be Printed,* 27 *June* 1862.

[Bill 173.]

Under 1 *oz.*

Partnership Law Amendment Bill.

ARRANGEMENT OF CLAUSES.

Short Title; Sect. 1.

Interpretation of Terms; 2.

Lenders of Money may, under certain Conditions, receive a Share of Profits without being Partners; 3.

Certain Particulars as to such Loan to be registered; 4.

The Registrar of Joint Stock Companies to be Registrar under this Act; 5.

Loans to be registered within Fifteen Days. No Person entitled to the Benefit of this Act unless Instalments paid or advanced at the Time specified in the Registration; 6.

Money not to be repaid before the Time specified in the Register; 7.

Lenders of Money violating the foregoing Schemes to become General Partners; 8.

The Firm of a Limited Partnership shall not include the Name of any Limited Partner, or else Limited Partner to become General Partner; 9.

Dissolution of Limited Partnership. Liability of Representatives of Limited Partner; 10.

On Dissolution of Limited Partnership, Money lent to become a Debt; 11.

On Dissolution of Partnership by Death of General Partner, Limited Partners to cause Entry of Dissolution to be appended to the Registration; 12.

General Partners only to be made bankrupt. Rights and Liabilities of Limited Partner in case of Bankruptcy of General Partners; 13.

This Act not to affect Joint Stock Companies Acts; 14.

The Names, &c. of Persons constituting Firms which do not indicate the Persons constituting it to be registered; 15.

Changes in Constitution of Firms to be registered in certain Cases; 16.

Registered Persons retiring from any Business may require Registrar to make Entry thereof; 17.

Assignees of registered Person bankrupt to cause Bankruptcy to be registered; 18.

Persons registered may sue and be sued in Name of registered Firm; 19.

Consequences of Noncompliance with Provisions as to Registration, &c.; 20.

Registrar to file Declarations under this Act; 21.

Provision of Sect. 106. of Joint Stock Companies Act, 1856, to apply to Registration under this Act; 22.

Register Books to be open. Certified Copies of Documents and Entries to be Evidence; 23.

All Applications to Registrar may be sent by Post; 24.

All Fees may be paid by Post Office Order; 25.

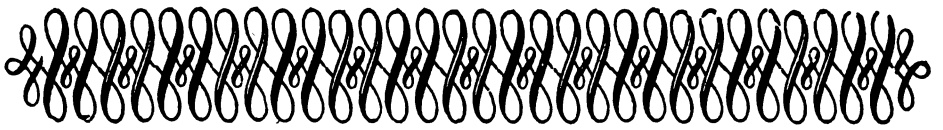
Punishment for forging the Signature or Seal or making false Declaration; 26.

Recovery of Penalties; 27.

Penalties may be applied towards Payment of Costs or Rewards; 28.

SCHEDULE.

20 *May* 1862. 25 Vict.



A

BILL

FOR

The Amendment of the Law of Partnership.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

5 **1.** This Act may be cited as the "Partnership Law Amendment Act, 1862." Short Title.

2. In the Construction of this Act the following Words shall be construed as herein-after mentioned: Interpretation of Terms.

"Trading Concern" shall mean any Business of Commerce, Trade, 10 or Manufacture, whether carried on by One Person or by more than One Person in Copartnership: "Trading Concern."

"General Partner" shall have the same Signification as the Word "Partner" had previously to the passing of this Act: "General Partner."

"Limited Partnership" shall mean the "General Partners" together 15 with the Limited Partners under this Act in any Trading Concern or the Relationship between such General and Limited Partners, as the Context may require: "Limited Partnership."

"Share of Profits."

"Share of Profits" shall include not only a Share of Profits properly so called, but any Payment varying with, or dependent upon or payable out of the Profits of a Trading Concern, whether the same be payable in One Sum or more, or at certain or uncertain Times: 5

"Lending Money."

Any Person shall be construed to "lend Money," within the Meaning of this Act, who shall either advance Money to be used in and for the Purposes of a Trading Concern, or who being entitled, whether as a retiring Partner or otherwise, to demand and receive present Payment of the Value of any 10 Share or Interest of or in the Capital or other Funds of a Trading Concern, shall, after the Value thereof shall have been ascertained between such Person and the Person or Persons liable to pay the same, allow the same to remain therein, or to be used by such Person or Persons for the Purposes of 15 such Trading Concern.

Lenders of Money may, under certain Conditions, receive a Share of Profits without being Partners.

3. It shall be lawful for any Person, subject to the Provisions of this Act, to lend Money to any Person engaged or about to engage in any Trading Concern, upon the Terms of receiving in lieu of a fixed Rate of Interest or Remuneration for the same, or in addition 20 thereto, a Share of Profits, without becoming by reason thereof a General Partner with such Person, but upon such Loan being made the Person making the same shall become and be a Limited Partner with the Person to whom the same is made.

Certain Particulars as to such Loan to be registered.

4. In order to entitle the Person constituting any Limited 25 Partnership to the Benefit of this Act, the following Particulars shall be registered in the Manner herein-after provided:

(1.) The Surname and Christian Name or other Name or Names in full, and the Place or Places of Residence of each of the Partners, and whether he be a General or a Limited Partner; 30

(2.) The Nature of the Business and of the Place or Places at which it is carried on or to be carried on:

(3.) The Name of the Firm or Style in which the said Trading Concern is or is to be carried on:

(4.) The Sum or Sums of Money lent or to be lent by each Limited Partner, the Time or Times at which such Sum or Sums shall 35 have been or shall become or be advanced, and the Time or Times at which the same shall become or be repayable.

The Registrar of Joint Stock Companies to be Registrar under this Act.

5. The Registrar of Joint Stock Companies shall be the Registrar under this Act, and shall be called the Registrar of Joint Stock Companies and Partnerships. 40

6. Every

6. Every Registration of any Sum or Sums of Money lent or to be lent under this Act shall be effected within *Fifteen* Days after such Sum or any Portion or Instalment thereof shall have been paid or advanced by the Person lending, to or for the Use of the Person borrowing the same; and no Person lending Money shall be entitled to the Benefit of this Act in respect thereof unless the several Sums or Instalments specified in the Registration shall be paid or advanced to or for the Use of the Person borrowing the same, or at the Time or at the Times or within *Fifteen* Days thereof respectively specified in that Behalf in such Registration.

Loans to be registered within 15 Days.

No Person entitled to the Benefit of this Act, unless Instalments paid or advanced at the Time specified in the Registration.

7. No Part of the Money so lent shall be repaid, satisfied, or secured in any Manner before the Expiration of the Time registered as aforesaid in that Behalf.

Money not to be repaid before the Time specified in the Register.

8. Any such Lender of Money or Limited Partner as aforesaid who shall violate the Provisions of foregoing Sections or either of them shall become and be a General Partner with the Person to whom it is lent.

Lenders of Money violating the foregoing Schemes to become General Partners.

9. The Firm or Style used by the Limited Partnership shall be the same as that registered, and shall not include the Name of any Limited Partner, or any Name identical therewith, and any Limited Partner whose Name shall appear or be included in any registered Firm or Style shall become and be a General Partner.

The Firm of a Limited Partnership shall not include the Name of any Limited Partner, or else Limited Partner to become General Partner.

10. A Limited Partnership shall be dissolved as to any Limited Partner upon the Arrival of the Time at which the Sum of Money lent by such Limited Partner, or the latest Time at which any Portion or Instalment of such Sum, or the last of such Sums, becomes repayable to him, or by the Death or Bankruptcy of One or more of the General Partners; and the Executors or Administrators of any Limited Partner shall, as respects the Assets of such deceased Limited Partner which may come to their Hands to be administered, be subject to the same Liabilities as such Limited Partner would have been subject to if he had lived.

Dissolution of Limited Partnership.

Liability of Representatives of Limited Partner.

11. Upon the Dissolution of any Limited Partnership the Sum or Sums lent by any Limited Partner as to whom the said Partnership shall be dissolved shall become an ordinary Debt or ordinary Debts, and the Person to whom it or they is or are due respectively may demand and sue for the same as for Money lent: Provided always, that upon such Dissolution the Person having been such Limited Partner may renew the said Loan upon the same, or any new or varied

On Dissolution of Limited Partnership, Money lent to become a Debt.

Terms, and thereupon a fresh Registration shall be effected, and such Person shall thereupon again become a Limited Partner in respect of the Sum, and upon the Terms specified of the last-mentioned Registration: Provided also, that it shall be lawful for any Limited Partner at any Time to lend any further Sum to the General Partner or Partners in any Trading Concern, or to extend the Period for which any subsisting Loan shall be made, and thereupon a fresh Registration shall be effected in respect of the Sum or Sums of Money already registered, as well as of the said further Loan, or the Particulars required by this Act to be registered of such extended Loan, as the Case may be, and an Entry shall be appended to the former Registration to the Effect that it is superseded.

On Dissolution of Partnership by Death of General Partner, Limited Partners to cause Entry of Dissolution to be appended to the Registration.

12. Upon the Dissolution of a Limited Partnership by the Death of any General Partner, where there shall be more than One General Partner, the Limited Partner or Partners shall, within *Ten* Days after the Knowledge of such Death shall have come to him or them, or so soon thereafter as shall be possible, cause an Entry of such Dissolution and of the Cause thereof to be appended to the Registration of the Limited Partnership, and in default thereof shall be deemed and taken to have become a Limited Partner with the surviving General Partner or Partners in respect of the same Sum or Sums, and on the same Terms as those registered in respect of the Limited Partnership so dissolved by the Death of a General Partner as aforesaid, and such Entry shall be made by the Registrar, on Compliance by the Person requiring the same with the Provisions of Section Sixteen of this Act.

General Partners only to be made bankrupt.

13. The General Partner or Partners only of a Limited Partnership shall be liable to be made bankrupt in respect of the Dealings or Liabilities of such Partnership, but in case of such Bankruptcy no Limited Partner shall be entitled to receive from the Estate of such Bankrupt any Portion of the Principal Sum or Sums of Money still remaining unpaid, or any Arrears of any Profits or Interest or other Sum payable in respect thereof, or of his being such Limited Partner, until all the other Creditors of such Bankrupt or Bankrupts whose Debts were contracted during the Existence of such Limited Partnership have been fully satisfied; and in case the General Partner or Partners of a Limited Partnership should be adjudicated bankrupt within *Twelve* Months after the Dissolution of a Limited Partnership, every Person who was a Limited Partner therein, or his Executors or Administrators, in respect of such Assets as may come to their Hands to be administered, shall be liable to make good to the Persons who at the Time of such Dissolution were Creditors of such Bankrupt or Bankrupts,

Rights and Liabilities of Limited Partner in case of Bankruptcy of General Partners.

Bankrupts, and whose Debts were contracted during the Existence of such Limited Partnership, any Deficiency of Assets to the Extent of such Portion of the Sum of Money in respect of which he was such Limited Partner as may have been repaid, secured, or satisfied to him upon or since the said Dissolution, and no further, and in case of the Bankruptcy of such Limited Partner the Amount of such Deficiency as aforesaid shall be proveable as a Debt against his Estate.

This Act not to affect Joint Stock Companies Acts.

14. Nothing in this Act contained shall be taken to repeal or in any way interfere with any of the Provisions of the Joint Stock Companies Acts, 1856 and 1857.

And whereas it is expedient that the real Constitution of Trading Firms should be known: Be it enacted,

The Names, &c. of Persons constituting Firms which do not indicate the Persons constituting it to be registered.

15. Every Person who shall on the *Thirty-first Day of December One thousand eight hundred and sixty-two* be carrying on or be a Partner with any Person carrying on any Trading Concern under any Firm or Style which does not contain the Surnames and Christian Names in full of all the Persons so carrying on such Trading Concern, or which contains the Name of any Person other than the Person so carrying on such Business, or the Words or Phrase "and Company" or "and Co.," or any other general Words of similar Import, or using or being a Partner with any Person using any such Firm or Style, shall, on or before the said *Thirty-first Day of December*, and every Person thereafter carrying on Business, or being a Partner with any Person carrying on Business, or using or being a Partner with any Person using any such Firm or Style, shall within *One Calendar Month* after the first Adoption or Use of such Firm or Style, send or deliver or cause to be sent or delivered to the Registrar aforesaid a Statement in Writing containing the Particulars in respect of such Firm or Style, and the Person or Persons constituting the same, which are set forth in the Form (A.) in the Schedule to this Act annexed, and the Particulars so sent or delivered shall be signed by every such Person or Persons resident within the United Kingdom, and such Signature shall be attested in England or Ireland by a Justice of the Peace, or a Banker, or an Attorney of One of Her Majesty's Courts at Westminster or Dublin, and in Scotland by a Justice of the Peace, a Banker, a Notary, a Writer to the Signet, a Solicitor in the Supreme Courts, or a Procurator before a Sheriff Court, and the said Registrar shall keep and file the said Statement, and shall cause the said Firm or Style and the said Particulars to be registered accordingly.

Changes in Constitution of Firms to be registered in certain Cases.

16. Upon any Change taking place in the Constitution of such Firm or in any of the said Particulars of the said Business, if the said Firm shall continue to be carried on, the Person carrying on the same shall

shall effect a fresh Registration in the Manner herein-before mentioned, if the Circumstances are such as to render Registration still required by this Act, and if not shall make and subscribe a solemn Declaration in lieu of Oath thereof, whereupon the Registrar shall enter the Word "expired" opposite the existing Registration, together with the Date of such Entry; and at the Time of effecting such new Registration, the Death, Bankruptcy, or Retirement of any Partner or other registered Person, or any other Matter causing a Change in the existing Registration, shall be verified by the Person requiring any such fresh Registration, by making and subscribing a solemn Declaration in lieu of Oath thereof.

Registered Persons retiring from any Business may require Registrar to make Entry thereof.

17. Every Person registered as aforesaid retiring from any Business, or the Executors or Administrators of any Person registered as aforesaid, and deceased, may make and subscribe such solemn Declaration as aforesaid of such Retirement or Death, and thereupon may require the said Registrar to append an Entry thereof to the said Registration.

Assignees of registered Person bankrupt to cause Bankruptcy to be registered.

18. The Assignees of every Bankrupt who shall be registered as aforesaid shall make similar solemn Declaration of the Fact and Date of Adjudication, and send or deliver the same to the said Registrar, who shall thereupon append an Entry thereof to the said Registration, and upon the annulling or superseding of any such Adjudication the said registered Person may make similar solemn Declaration thereof, and thereupon the said Registrar shall append an Entry thereof to the said Registration.

Persons registered may sue and be sued in Name of registered Firm.

19. Persons registered as aforesaid may sue and be sued in the Name of the Firm or Style registered as aforesaid, and Service of Process or Notice at the registered Place of Business shall be deemed good Service on the Person or Persons constituting such Firm or Style.

Consequences of Noncompliance with Provisions as to Registration, &c.

20. If any Person required by this Act to send or deliver to the said Registrar any Particulars as aforesaid, or to make and subscribe any solemn Declaration in lieu of Oath, or to effect any Registration, shall wilfully neglect or refuse so to do, such Non-Registration may be pleaded in Bar of any Action brought by any Person or Persons upon or in respect of any Contract made by him or them under the Name of a Firm or Style which by this Act ought to have been registered.

Registrar to file Declarations under this Act.

21. All solemn Declarations made under this Act, and delivered to the said Registrar, shall be kept and filed by him.

22. The

22. The Provisions of the One hundred and sixth Section of the Joint Stock Companies Act, 1856, shall apply to Registration under this Act, so far as the same are applicable, and except as herein-after provided; and the Board of Trade may, with the Sanction of the Commissioners of the Treasury, direct an Increase of Salary to be paid to the existing Registrar of Joint Stock Companies, and such additional Assistant Registrars, Clerks, and other Officers as may be necessary for the Purpose of carrying this Act into execution shall be appointed, at such a Salary as the Board of Trade may, with the Sanction of the Commissioners of the Treasury, direct; and the Board of Trade shall cause to be prepared and kept proper Books, Forms, and Indexes, for the Purpose of carrying this Act into execution, and may make such Regulations, and fix such Fees, and from Time to Time vary or alter the same or any Part thereof, as they may deem expedient; and all Fees received under this Act shall be paid to the Receipt of Her Majesty's Exchequer, and be carried to the Account of the Consolidated Fund of the United Kingdom of Great Britain and Ireland; and all such Regulations and Fees, and any Alterations or Variations thereof, shall be published in the London Gazette, and shall take effect from the Time mentioned therein.

Provision of Sect. 106. of Joint Stock Companies Act, 1856, to apply to Registration under this Act.

23. The Register Books and Indexes to be kept under this Act shall be open at suitable Times to the Inspection of any Person requiring to inspect the same, on Payment of a proper Fee; and the Registrar shall furnish to every Person requiring it, upon Payment of a proper Fee, Copies of any Entry therein or of any Document filed under the Provisions of this Act; and any Document purporting to be a Copy certified by the said Registrar, or to be sealed with the Seal of his Office, shall be admissible in Evidence of the original Entry or Document of which it purports to be a Copy, without further Proof in any Civil Proceeding; and any Document so purporting to be a Copy of any original Document required by this Act to be kept and filed shall be primâ facie Evidence in any Civil Proceeding that the Original was signed, subscribed, and attested by the Person or Persons respectively purporting to have signed, subscribed, or attested the same, and that the Person before whom any solemn Declaration purporting to have been made and subscribed had competent Authority to administer the same.

Register Books to be open.

Certified Copies of Documents and Entries to be Evidence.

24. All Applications to the Registrar for Registration or for Copies of any Registration, and all Documents required to be laid before such Registrar, may be sent by Post, if sufficiently stamped or prepaid; and all Certificates and Copies of any Registration shall be sent

All Applications to Registrar may be sent by Post.

sent by Post by the Registrar to the Parties applying for such Certificates or Copies, if they shall so require, upon Payment of the Postage and of a proper Fee.

All Fees may be paid by Post Office Order.

25. All Fees payable for Registration under this Act, or for entering any Memorandum or Reference, or for any Copy of any Registration, may be sent by Post Office Order or Postage Stamps for the Payment of Money; and the Registrar shall not attend to any Application by Post for Registration or Copies, or otherwise, unless the same be accompanied by a Post Office Order or Orders for the full Amount required.

Punishment for forging the Signature or Seal or making false Declaration.

26. Any Person who shall forge the Signature of the Registrar, or forge the Signature of any Person to any Document required under this Act, or forge or counterfeit any Seal of the Office for the Registration of Joint Stock Companies and Partnerships, or knowingly use or concur in using any such forged or counterfeit Signature or Seal, shall be guilty of Felony, and shall upon Conviction be liable to Penal Servitude for any Term not exceeding *Ten* Years and not less than *Four* Years, or to Imprisonment for any Term not exceeding *Three* Years, with or without Hard Labour; and any Person making for the Purposes of this Act any solemn Declaration in lieu of Oaths, who shall by such Declaration wilfully and falsely affirm or declare any Matter or Thing required by this Act to be contained therein, shall be guilty of a Misdemeanor, and being convicted thereof shall be liable to the Pains and Penalties of Perjury; and any Person who shall in the Statement of the Particulars required by Section Fourteen of this Act wilfully state falsely any of the Matters or Things thereby required to be stated shall be guilty of a Misdemeanor, and being convicted thereof shall be liable to Fine, or to Imprisonment not exceeding *Two* Years, with or without Hard Labour, or to such Fine and Imprisonment.

Recovery of Penalties.

27. All Offences under this Act made punishable by any Penalty may be prosecuted summarily before Two or more Justices as to England in manner directed by an Act passed in the Session holden in the Eleventh and Twelfth Years of the Reign of Her Majesty Queen Victoria, Chapter Forty-three, intituled "An Act to facilitate "the Performance of the Duties of Justices of the Peace out of "Sessions within England and Wales, with respect to summary Con-"victions and Orders," and as to Scotland before Two or more Justices or the Sheriff of the County in the Manner directed by the Act passed in the Session of Parliament holden in the Seventeenth and Eighteenth Years of the Reign of Her Majesty Queen Victoria, Chapter

Chapter One hundred and four, intituled "An Act to amend and "consolidate the Acts relating to Merchant Shipping," as regards Offences in Scotland against that Act, not being Offences by that Act described as Felonies or Misdemeanors, and as to Ireland in the 5 Manner directed by the Act passed in the Session holden in the Fourteenth and Fifteenth Years of the Reign of Her Majesty Queen Victoria, Chapter Ninety-three, intituled "An Act to consolidate "and amend the Acts regulating the Proceedings of Petty Sessions, "and the Duties of Justices of the Peace out of Quarter Sessions, in 10 "Ireland," or any Act passed for the Amendment of the above-mentioned Acts.

Penalties may be applied towards Payment of Costs or Rewards.

28. The Justices or Sheriff imposing any Penalty under this Act may direct the whole or any Part thereof to be applied in or towards Payment of the Costs of the Proceedings, or in or towards the rewarding 15 the Person upon whose Information or at whose Suit such Penalty has been recovered; and subject to such Direction, all Penalties shall be paid into the Receipt of Her Majesty's Exchequer, in such Manner as the Treasury may direct, and shall be carried to and form Part of the Consolidated Fund of the United Kingdom.

SCHEDULE.

FORM (A.)

Firm or Style.	Place of Business, Street and Town, or Parish and County.	Nature of Business.	Names of Partners, each written by himself, in full.	When signed.	Witness to Signature.

Partnership Law Amendment.

A

B I L L

For the Amendment of the Law of Partnership.

(*Prepared and brought in by Mr. Scholefield, Mr. Spooner, Mr. Stansfeld, and Mr. Murray.*)

Ordered, by The House of Commons, *to be Printed,* 20 *May* 1862.

[Bill 126.]

Under 2 oz.

9 *May* 1862. 25 Vict.

A

BILL

TO

Continue The Peace Preservation (Ireland) Act, 1856, as amended by the Act of the Twenty-third and Twenty-fourth Years of Victoria, Chapter One hundred and thirty-eight.

WHEREAS an Act was passed in the Nineteenth and Twentieth Years of Her Majesty, Chapter Thirty-six, under the Name or Short Title of "The Peace Preservation (Ireland) Act, 1856:" And whereas by an Act passed in the Twenty-third and Twenty-fourth Years of Her Majesty, Chapter One hundred and thirty-eight, the said recited Act was amended and further continued until the First Day of July One thousand eight hundred and sixty-two, and it is expedient that the said first-recited Act, as so amended, should be further continued for a limited Time: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preamble.

19 & 20 Vict. c. 36.

23 & 24 Vict. c. 138.

1. "The Peace Preservation (Ireland) Act, 1856," as the same is amended by the Act of the Twenty-third and Twenty-fourth Years

19 & 20 Vict. c. 36., as amended by

23 & 24 Vict. c. 138., further continued.

Years of Her Majesty, Chapter One hundred and thirty-eight, shall continue in force until the *First Day of July One thousand eight hundred and sixty-four*, and until the End of the then next Session of Parliament.

Peace Preservation (Ireland).

A

B I L L

To continue The Peace Preservation (Ireland) Act, 1856, as amended by the Act of the Twenty-third and Twenty-fourth Years of Victoria, Chapter One hundred and thirty-eight.

(Prepared and brought in by Sir Robert Peel and Sir George Grey.)

Ordered, by The House of Commons, *to be Printed,* 9 *May* 1862.

[Bill 106.]

Under 1 *oz.*

A

BILL

FOR

The Safe-keeping of Petroleum.

WHEREAS it is expedient to provide for the Safe-keeping of Petroleum and certain Products thereof that are dangerous to Life and Property, from their Properties of giving off inflammable Vapours at low Temperatures, or of igniting on the Application of Light to their Surfaces: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. "Petroleum," for the Purposes of this Act, shall include any Product thereof that gives off an inflammable Vapour at a Temperature of less than One hundred Degrees of Fahrenheit's Thermometer: Definitions: "Petroleum:"

"Borough" shall in England mean any Place for the Time being subject to the Provisions of the Act of the Session holden in the Fifth and Sixth Years of King William the Fourth, Chapter Seventy-six, intituled "An Act to provide for the Regulation of Municipal "Corporations in England and Wales;" and in Scotland any Royal Burgh and any of the Burghs or Towns returning or contributing to return Members to Parliament; and in Ireland any Place for the Time being subject to the Provisions of the Act of the Session holden "Borough:"

in the Third and Fourth Years of Her Majesty, Chapter One hundred and eight, intituled "An Act for the Regulation of Municipal "Corporations in Ireland:"

"Harbour:" "Harbour" shall include any Port, Dock, navigable River, Pier, or other Works in or at which Vessels ship or discharge Goods or Passengers: 5

"Harbour Authority." "Harbour Authority" shall include all Persons or Bodies of Persons, corporate or unincorporate, being Proprietors of or entrusted with the Duty of improving, maintaining, or managing any Harbour. 10

Regulations to be observed by a Ship carrying Petroleum.

2. Every Vessel carrying a Cargo consisting wholly or in part of Petroleum on entering any Harbour shall conform to such Regulations in respect to the Place at which she is to be moored as may from Time to Time be issued by the Harbour Authority having Jurisdiction over such Harbour. If any Vessel is moored in any Place in contravention of such Regulations, the Petroleum carried therein shall be forfeited, and the Owner of the Vessel shall incur a Penalty not exceeding *Twenty Pounds* for each Offence. 15

Regulations to be observed in storing Petroleum.

3. Not more than *Twenty-five* Gallons of Petroleum shall be kept within *One hundred* Yards of a Dwelling House or of a Building in which Goods are stored, except in pursuance of a Licence given by such Local Authority as is herein-after mentioned. 20

Any Petroleum kept in contravention of this Section shall be forfeited, and, in addition thereto, the Occupier of the Place in which such Petroleum is kept, and the Owner or Person having the Charge of the Petroleum, shall each incur a Penalty not exceeding *Twenty Pounds* a Day for each Day during which Petroleum is kept in contravention of this Act. 25

Definition of Local Authority.

4. The following Bodies shall respectively be the Local Authority to grant Licences under this Act in the Districts herein-after mentioned; (that is to say,) 30

1. In the City of London, except as herein-after mentioned, the Mayor, Aldermen, and Commons, by the Council:
2. In any Borough, except as herein-after mentioned, the Mayor, Aldermen, and Burgesses, by the Council: 35
3. In any Place, except as herein-after mentioned, within the Jurisdiction of any Trustees or Improvement Commissioners, appointed under Act of Parliament, the Trustees or Commissioners:
4. In any Harbour within the Jurisdiction of a Harbour Authority, whether situate or not within the Jurisdiction of any Local 40

Local Authority herein-before mentioned, the Harbour Authority, to the Exclusion of any other Local Authority:

5. In any Place in which there is no Local Authority as herein-before defined, the Justices in Petty Sessions assembled.

Mode of granting Licences.

5 **5.** Licences in pursuance of this Act may be granted under the Hands of Two or more of the Persons constituting the Local Authority. There may be annexed to any Licence under this Act any Conditions which the Local Authority thinks necessary for diminishing the Risk of Damage from Explosion or Fire; and any Licensee 10 violating any of the Conditions of his Licence shall be deemed to be an unlicensed Person.

In case of Refusal of Licence, the Applicant may memoralize Secretary of State.

6. If, on any Application for a Licence under this Act, the Local Authority refuses the Licence, or grants the same only on Conditions with which the Applicant is dissatisfied, the Local Authority shall, if 15 required by the Applicant, certify in Writing under the Hand or Hands of One or more of the Persons constituting the Local Authority the Grounds on which it refused the Licence or annexed Conditions to the Grant thereof, and shall deliver the Certificate to the Applicant, who may thereupon, within *Ten* 20 Days from the Time of the Delivery thereof, transmit the same to One of Her Majesty's Principal Secretaries of State, if the Application is for a Licence in England or Scotland, and to the Lord Lieutenant or other Chief Governor if the Application is for a Licence in Ireland, together with a Memorial, praying that, notwith- 25 standing such Refusal, the Licence may be granted, or that such Conditions may not be imposed, or may be altered or modified in such Manner and to such Extent as may be set forth in such Memorial; and it shall be lawful for the Secretary of State, Lord Lieutenant, or other Chief Governor, if he think fit, on consideration of such 30 Memorial and Certificate, and if he think it necessary or desirable, after due Inquiry from and a Report by such Person as he may appoint for that Purpose, to grant the Licence prayed for, either absolutely, or with such Conditions as he thinks fit, or to alter or modify the Conditions imposed by the Local Authority; and the Licence so 35 granted, or altered and modified, as the Case may be, when certified under the Hand of the said Secretary of State, Lord Lieutenant, or other Chief Governor, shall be to all Intents as valid as if granted by the Local Authority.

Forfeitures and Penalties recoverable summarily.

7. Any Forfeiture or Penalty for an Offence against this Act may 40 be enforced upon summary Conviction before any Two Justices, or in Scotland before any Sheriff; and *one Moiety* of the Forfeiture and Penalty shall belong to Her Majesty, and the *other Moiety* to the

the Informer, unless the Informer is a Servant of the Person informed against, in which Case *the Moiety* of the Forfeiture or Penalty which would otherwise belong to the Informer shall be applied in such Manner and to such other Purposes as the Justices or Sheriff in their or his Discretion may think fit. 5

Forfeitures and Penalties in Scotland may be levied by Poinding and Sale.

8. In Scotland Forfeitures and Penalties under this Act, and the Expenses of Conviction, may be levied and recovered by Poinding and Sale, and, in default of Payment or of sufficient Poinding, by Imprisonment for any Period not exceeding *Three Months.*

Search for Petroleum.

9. Petroleum may be searched for in the same Manner, under the same Warrants, and subject to the same Conditions in, under, and subject to which Gunpowder may be searched for, in pursuance of the Act passed in the Session holden in the Twenty-third and Twenty-fourth Years of the Reign of Her present Majesty, Chapter One hundred and thirty-nine; and all the Provisions of the said Act relating to searching for Gunpowder shall be construed as if the Word "Gunpowder" in such Provisions included Petroleum, as defined by this Act. 10 15

Reservation of previous Powers with respect to inflammable Substances.

10. All Powers given by this Act shall be deemed to be in addition to and not in derogation of any other Powers conferred on any Local Authority by Act of Parliament, Law, or Custom, and the Local Authority may exercise such other Powers in the same Manner as if this Act had not passed; and nothing in this Act contained shall be deemed to exempt any Person from any Penalty to which he would otherwise be subject in respect of a Nuisance. 20 25

Petroleum.

A

BILL

For the Safe-keeping of Petroleum.

(Prepared and brought in by Sir George Grey and Mr. Clive.)

Ordered, by The House of Commons, *to be Printed,* 16 *June* 1862.

[Bill 154.]

Under 1 *oz.*

Pier and Harbour Act Amendment Bill.

ARRANGEMENT OF CLAUSES.

Preamble.

Preliminary.

Construction and Short Title; 1.

I.—Future Applications for Provisional Orders.

Repeal of Parts of Principal Act in Schedule (A.); 2.
Notice by Advertisement as in Schedule (B.) Part I.; 3.
Deposit of Documents, in Schedule (B.) Part II.; 4.
Subsequent Deposit of Documents, in Schedule (B.) Part III.; 5.

II.—Future or Pending Applications for Provisional Orders.

Extent of Part II. of Act; 6.

Works.

Approval of Works by Admiralty; 7.
Consent of Commissioners of Woods and Forests; 8.
Power to abate Works; 9.
Abandonment, Disuse, &c. of Works; 10.
Local Survey by Admiralty; 11.
Recovery of Expenses from Undertakers; 12.
Lights at Night during Construction of Works; 13.
Limitation of Time for Completion of Works; 14.

Rates.

Pier, &c. open to Public on Payment of Rates; 15.
Power to Board of Trade to revise Rates; 16.
Company to publish annual Account in abstract as to Rates, Vessels, &c.; 17.
Audit of Accounts on Complaint to Board of Trade; 18.
Rates to be equally levied; 19.

Mode of Recovery of Rates; 20.

General Provisions.

Harbours, &c. Clauses Act incorporated; 21.
Water Pipes; 22.
Application of Merchant Shipping Act, &c.; 23.
Costs of the Order; 24.

III.—Pending Applications for Provisional Orders.

Proceedings under Section 9 of Principal Act for fixing Schedule of Rates. Power to Board of Trade to authorize Schedule as published, though differing from Schedule referred to in Principal Act; 25.
Repeal of Parts of Principal Act in Schedule (C.); 26.

IV.—General Provisions.

Power to amend or repeal Local Acts; 27.
Power to Board of Trade to impose Terms, &c.; 28.
Application of 7 W. 4. & 1 Vict. c. 83; 29.

Schedules.

24 *March* 1862. 25 Vict.

A

BILL

[AS AMENDED IN COMMITTEE]

TO

Amend The General Pier and Harbour Act, 1861.

WHEREAS it is expedient to amend The General Pier and Harbour Act, 1861, herein-after called the Principal Act: **Preamble.**

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

1. This Act shall be read (as far as may be) together with the Principal Act as One Act, and may be cited as The General Pier and Harbour Act, 1861, Amendment Act. **Construction and Short Title.**

I.—Future Applications for Provisional Orders.

2. The Provisions of the Principal Act described in Schedule (A.) to this Act shall be repealed with respect to any Application to be made to the Board of Trade for a Provisional Order after the passing of this Act. **Repeal of Parts of Principal Act in Schedule (A.)**

3. Any Persons intending to make Application to the Board of Trade for a Provisional Order relative to a Pier or Harbour, which **Notice by Advertisement as in**

Schedule (B.) Part I.

Persons are herein-after called the Promoters, shall in the Months of October and November, or either of them, immediately preceding the Application for the Provisional Order, publish Notice of their Intention by Advertisement according to the Regulations contained in Schedule (B.) Part I. to this Act. 5

Deposit of Documents, in Schedule (B.) Part II.

4. On or before the Thirtieth Day of November immediately preceding the Application for the Provisional Order, the Promoters shall deposit the Documents described in Schedule (B.) Part II. to this Act, according to the Regulations therein contained.

Subsequent Deposit of Documents, in Schedule (B.) Part III.

5. On or before the Twenty-third Day of December in the same Year, the Promoters shall deposit the Documents mentioned in Schedule (B.) Part III. to this Act, according to the Regulations therein contained. 10

II.—Future or pending Applications for Provisional Orders.

Extent of Part II. of Act.

6. The Provisions of this Part of this Act shall apply to every Provisional Order of the Board of Trade on any Application already made or to be hereafter made. 15

Works.

Approval of Works by Admiralty.

7. Before commencing the Construction of any Part of the Works authorized by a Provisional Order, the Undertakers shall deposit at the Admiralty Office Working Drawings of the whole Works for the Approval of the Lords of the Admiralty. The Works shall not be constructed otherwise than in accordance with such Approval. After the same are commenced or constructed the Undertakers shall not alter or extend the same without first obtaining the like Approval. 20 25

Abandonment, Disuse, &c. of Works.

8. If any Work authorized by any Provisional Order be abandoned or suffered to fall into Disuse or Decay, the Lords of the Admiralty may, if and as they think fit, at the Expense of the Undertakers, either repair and restore such Work or any Part of it, or abate and remove it or any Part of it, and restore the Site thereof to its former Condition. 30

Local Survey by Admiralty.

9. The Lords of the Admiralty may at any Time, at the Expense of the Undertakers, cause to be made a Local Survey and Examination of the Works authorized by any Provisional Order, or of the Site thereof. 35

Lights at Night during

10. During the Construction of the Works the Undertakers shall, at their own Expense, exhibit and keep burning every Night from Sunset

Sunset to Sunrise such Lights for the Guidance of Vessels as the Lords of the Admiralty shall from Time to Time require or approve of: If the Undertakers refuse or neglect to comply with this Provision, they shall for each Offence be liable to a Penalty not exceeding Ten Pounds.

Construction of Works.

11. The Works shown on the deposited Plans shall be completed within Three Years after the passing of an Act confirming any Provisional Order, or within such other Time as any Provisional Order may direct; and on the Expiration of that Period the Powers by the Order given to the Undertakers for executing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Limitation of Time for Completion of Works.

Rates.

12. On Payment of the Rates payable under a Provisional Order, and subject to the Provisions of the Principal Act and this Act and the Provisional Order, the Pier or Harbour to which the Provisional Order relates and its Approaches shall be open to all Persons for the shipping and unshipping of Goods, and the embarking and landing of Passengers, and such Persons and Passengers shall have unobstructed Ingress, Passage, and Egress into, along, through, and out of the same.

Pier, &c. open to Public on Payment of Rates.

13. Where the Undertakers are a Company incorporated by the Provisional Order for the Purposes of the Undertaking, then if at any Time it appear to the Board of Trade that the clear annual Profits divisible on the subscribed and paid-up Capital of the Company, on the Average of the then Three last preceding Years, amount to or exceed the Rate of Ten per Centum per Annum on the nominal Value of the Shares, the Board of Trade may, if in their Discretion they think fit, require the Company to reduce the Rates received by them to such Extent as may to the Board of Trade seem fit: If the Company refuse or neglect to comply with any such Requirement, they shall be liable to a Penalty not exceeding Fifty Pounds for every Day during which such Refusal or Neglect shall continue: Provided that if at any subsequent Time the Profits fall below the said Rate of Ten per Centum per Annum the Company may, with the Sanction of the Board of Trade again raise the said Rates to an Amount not exceeding the Amount authorized by the Provisional Order.

Power to Board of Trade to revise Rates.

14. Where the Undertakers are a Company as aforesaid, the Company, within One Month after sending to the Clerk of the Peace for the County the Copy of their annual Account in abstract, shall send a Copy of the same to the Board of Trade, who shall forward a Copy to any Persons who may require the same: If the Company refuse

Company to send Copy of annual Account in abstract as to Rates, Vessels, &c. to Board of Trade.

refuse or neglect to comply with this Provision, they shall for every such Refusal or Neglect be liable to a Penalty not exceeding Twenty Pounds.

Audit of Accounts on Complaint to Board of Trade.

15. If, on Complaint in Writing by any Person interested, it appear to the Board of Trade that there is reasonable Ground for believing that such last-mentioned Account has not been duly kept, or that any Rates have been improperly or unfairly levied by the Company, or have not been applied in accordance with the Order, then the following Provisions shall take effect:

(1.) The Board of Trade may appoint an Auditor to audit and examine such Account, and inquire into the Matters complained of, and report to the Board of Trade on such Account and Matters:

(2.) The Company shall on Demand produce to such Auditor all or any of their Accounts, Books, Deeds, Papers, Writings, and Documents, and afford to him all reasonable Facilities for examining and comparing the same:

(3.) In case any such Complaint be found to be true, the reasonable Expenses of the Auditor shall be paid to the Board of Trade by the Company:

(4.) In case any such Complaint be not found to be true, the reasonable Expenses of the Auditor shall be paid to the Board of Trade by the Complainant:

(5.) In either Case, such Expenses shall be a Debt due to the Crown from the Company or from the Complainant (as the Case may be), and shall be recoverable as such, with Costs, or the same may be recovered with Costs as a Penalty is recoverable from the Company, or from any Person liable to a Penalty under the Provisional Order (as the Case may be).

Rates to be equally levied.

16. All Rates levied under any Provisional Order shall be charged equally to all Persons with respect to the same Description of Vessels and the same Description of Goods.

Mode of Recovery of Rates.

17. Without Prejudice to any other Remedy, the Undertakers may recover any Rates due in respect of a Vessel from the Owner or Master of such Vessel, and any Rates due in respect of Goods from the Owner or Consignee of such Goods, by Proceedings in any Court of competent Jurisdiction.

General Provisions.

Harbours, &c. Clauses

18. Subject to the Provisions of the Principal Act and this Act and any Provisional Order, The Harbours, Docks, and Piers Clauses Act

Act, 1847, shall be deemed to be incorporated with every Provisional Order. **Act incorporated.**

19. The Undertakers may grant or allow to any Persons the Right of laying down or constructing and maintaining Pipes or Channels for the Conveyance of Water to, on, and within the Pier or Harbour, and may demand and receive such Sums in consideration of such Grant or Allowance as they may think reasonable. **Water Pipes.**

20. The Undertaking authorized by any Provisional Order shall be subject to the Provisions of The Merchant Shipping Act, 1854, and of every General Act relating to Harbours or Dues on Shipping or on Goods carried in Ships, now in force or hereafter to be passed, and to any future Revision or Alteration under the Authority of Parliament of the Rates authorized by the Order. **Application of Merchant Shipping Act, &c.**

21. The Costs of and connected with the Preparation and making of each Provisional Order shall be paid by the Promoters. **Costs of the Order.**

III.—Pending Applications for Provisional Orders.

22. And whereas it was by the Principal Act (Section Nine) enacted, that in case the Promoters, or any Persons being the Owners or Proprietors of any Works, or any Persons having the Management of or Powers to construct any such Works under any Local Act of Parliament, or any Town Council of any Seaport Town not having any constituted Harbour Trust, should be desirous of levying any Rates for the Maintenance of such Works, or of altering the Schedule of Rates then leviable thereat, they should prepare a Schedule of such Rates which they might think reasonable and proper to be levied at such Works, and should publish such Schedule in a Newspaper as therein specified, and should also deposit a printed Copy of such Schedule at such Office as therein specified, and also transmit a Copy of such Schedule to the Board of Trade with such other Documents as therein specified, and that after such Proceedings and the Lapse of such Time as therein specified the Board of Trade should finally adjust and fix a Schedule of Rates, not exceeding the Rates specified in the Schedule to The Burgh Harbours (Scotland) Act, 1853, and that thereupon the Board of Trade might by Provisional Order empower any of the Persons in the Section now in recital mentioned to levy Rates according to such Schedule: **Proceedings under Section 9 of Principal Act for fixing Schedule of Rates.**

And whereas under the said recited Provision, Persons within the Description therein contained have prepared Schedules of Rates which they thought reasonable and proper to be levied, and have published, deposited, and transmitted the same in manner by the said recited Provision required, but the Board of Trade on proceeding to

finally adjust and fix Schedules of Rates have, in certain Cases, found that the Schedules so prepared, published, deposited, and transmitted comprise Rates in some Instances exceeding the Rates specified in the Schedule to The Burgh Harbours (Scotland) Act, 1853, and in other Instances leviable in respect of Subjects not specified in the last-mentioned Schedule: 5

And whereas in the several Cases aforesaid, it is represented to the Board of Trade by the Promoters, and the Board of Trade have no Reason to doubt, that it is essential to the Success of the several Undertakings that an Opportunity should be given to the Promoters of obtaining the Sanction of Parliament to the several Schedules of Rates so prepared, published, deposited, and transmitted as aforesaid, without reference to the Conformity of such Schedules with the Schedule to The Burgh Harbours (Scotland) Act, 1853: Be it therefore enacted as follows: 10 15

Power to Board of Trade to authorize Schedule as published, though differing from Schedule referred to in Principal Act.

Where any Schedule of Rates has been prepared, published, deposited, and transmitted as aforesaid, and it appears to the Board of Trade to be expedient that the same should be authorized by a Provisional Order, it shall be lawful for the Board of Trade to finally adjust and fix a Schedule of Rates, not exceeding the Rates specified in the Schedule so prepared, published, deposited, and transmitted, and thereupon by Provisional Order to authorize the levying and Recovery of Rates according to the Schedule so finally adjusted and fixed, notwithstanding that the same may in any respect differ from the Schedule to The Burgh Harbours (Scotland) Act, 1853: Provided, that it shall be lawful for the Board of Trade, if in any Case they think fit, before finally adjusting and fixing any such Schedule, to require the Promoters to publish any further or other Notice relative to the proposed Schedule as the Board of Trade may direct. 20 25 30

Repeal of Parts of Principal Act in Schedule (C.)

23. The Provisions of the Principal Act described in Schedule (C.) to this Act shall be repealed with respect to any Application already made to the Board of Trade for a Provisional Order.

IV.—General Provisions.

Power to Board of Trade to impose Terms, &c.

24. Every Provisional Order of the Board of Trade on any Application already made or to be hereafter made shall take effect subject and according to such Restrictions and Provisions and on such Terms and Conditions as may be therein specified, not being inconsistent with the Provisions of the Principal Act or this Act. 35

Application of 7 W. 4 and 1 Vict. c. 83

25. The Provisions of the Act of the Session of the Seventh Year of King William the Fourth and the First Year of Her Majesty, Chapter Eighty-three), "to compel Clerks of the Peace for Counties 40

"and

" and other Persons to take the Custody of such Documents as shall " be directed to be deposited with them under the Standing Orders " of either House of Parliament," shall (as far as may be) apply to all Cases of Deposit of Documents made or to be made with any 5 Person under the Principal Act or this Act.

26. Nothing contained in this Act or in the Acts incorporated herewith shall extend to take away, diminish, alter, prejudice, or affect any Property, Rights, Privileges, Powers, or Authorities for the Time being vested in or enjoyed by Her Majesty, Her Heirs or Successors, 10 in Right of the Duchy of Cornwall, or in or by the Duke of Cornwall for the Time being.

Saving Rights of the Duchy of Cornwall.

SCHEDULES.

SCHEDULE (A.)

Parts of General Pier and Harbour Act, 1861, *repealed as to future Applications to the Board of Trade for Provisional Orders.*

(1.) Sections Five, Nine.

(2.) In Section Six, so much as requires any Deposit to be made at the Admiralty Office.

(3.) In Section Sixteen, so much as relates to the London, Edinburgh, or Dublin Gazette.

SCHEDULE (B.)

Part I.

Advertisement in October or November of intended Application.

(1.) Every Advertisement is to state—

1. The Objects of the intended Application, specifying any of the following Objects, when comprised among the Objects of the Application:

   (*a.*) Extension of Time for the Completion of any Works already authorized:

   (*b.*) Power for a Company to amalgamate with another:

   (*c.*) Power to sell, purchase, lease, or take on Lease an Undertaking:

   (*d.*) Amendment or Repeal of any Local or Special Act of Parliament, or of any former Provisional Order:

   (*e.*) Power to levy any Tolls, Rates, or Duties, or to alter any existing Tolls, Rates, or Duties:

   (*f.*) The conferring, varying, or extinguishing of any Exemption from Tolls, Rates, or Duties, or of any other Right or Privilege:

   (*g.*) Constitution or Alteration of Constitution of any Harbour Authority.

2. A general Description of the Nature of the proposed new Works, if any.

3. The Names of the Parishes, Townlands, Townships, and Extra-parochial Places in which the proposed new Works, if any, will be made.

4. The

4. The Times and Places at which the Deposit under Part II. of this Schedule will be made.
5. An Office, either in London, or at the Place to which the intended Application relates, at which printed Copies of the Draft Provisional Order, when deposited, will be purchaseable as herein-after provided.

(2.) The whole Notice is to be included in One Advertisement, which is to be headed with a short Title descriptive of the Undertaking or Application.

(3.) The Advertisement is to be inserted once at least in each of Two successive Weeks in some One and the same Newspaper published in the City, Town, or Place where the proposed Works will be made, or where the Pier or Harbour to which the intended Application relates is situate; or if there be no such Newspaper, then in some One and the same Newspaper published in the County in which such City, Town, or Place, or some Part thereof, is situate; or if there be none, then in some One and the same Newspaper published in some adjoining or neighbouring County.

(4.) The Advertisement is also in every Case to be inserted once at least in the "London Gazette," if the Place to which the Application refers is situate in England or Wales, in the "Edinburgh Gazette," if such Place is situate in Scotland, or in the "Dublin Gazette," if such Place is situate in Ireland.

Part II.

Deposit on or before 30th November.

(1.) The Promoters are to deposit—

1. A Copy of the Advertisement published by them.
2. A proper Plan and Section of the proposed new Works, if any; such Plan and Section to be prepared according to such Regulations as may from Time to Time be made by the Board of Trade in that Behalf.

(2.) The Documents aforesaid are to be deposited for public Inspection—

1. In England or Ireland, in the Office of the Clerk of the Peace for every County, Riding, or Division; in Scotland, in the Office of the Principal Sheriff Clerk for every County, District, or Division,—in which any proposed new Work will be made, or in which the Pier or Harbour to which the intended Application relates, or any Part thereof, is situate.
2. At the Custom House, if any, of the Port, Sub-Port, or Creek to which the intended Application relates.

(3.) The Documents aforesaid are also to be deposited in the Offices of the Admiralty and of the Board of Trade.

PART III.

Deposit on or before 23d December.

(1.) The Promoters are to deposit at the Office of the Board of Trade—

1. A Memorial of the Promoters, signed by them or One of them, headed with a short Title descriptive of the Undertaking or Application (corresponding with that at the Head of the Advertisement), addressed to the Board of Trade, and praying for a Provisional Order.
2. A printed Draft of the Provisional Order as proposed by the Promoters.
3. An Estimate of the Expense of the proposed new Works, if any, signed by the Person making the same.

(2.) They are also to deposit printed Copies of the Draft Provisional Order for public Inspection at the Custom House (if any) of the Port, Sub-Port, or Creek to which the Application relates.

(3.) They are also to deposit a sufficient Number of such printed Copies at the Office named in that Behalf in the Advertisement; such Copies to be there furnished to all Persons applying for them at the Price of not more than One Shilling each.

SCHEDULE (C.)

Parts of General Pier and Harbour Act, 1861, *repealed as to Applications already made to the Board of Trade for Provisional Orders.*

In Section Sixteen, so much as relates to the London, Edinburgh, or Dublin Gazette; and also so much as restricts the Time for the Introduction of a Bill into Parliament for the Confirmation of a Provisional Order.

Pier and Harbour Act Amendment.

A

BILL

[AS AMENDED IN COMMITTEE]

To amend The General Pier and Harbour Act, 1861.

(*Prepared and brought in by Mr. Milner Gibson and Mr. Hutt.*)

Ordered, by The House of Commons, *to be Printed,* 24 *March* 1862.

[Bill 59.]

Under 2 *oz.*

A

BILL

FOR

Confirming certain Provisional Orders made by the Board of Trade under The General Pier and Harbour Act, 1861, and The General Pier and Harbour Act, 1861, Amendment Act, relating to Carrickfergus, Deal, Oban, Saint Ives, Tobermory, and Hastings.

WHEREAS a Provisional Order made by the Board of Trade under The General Pier and Harbour Act, 1861, and The General Pier and Harbour Act, 1861, Amendment Act, is not of any Validity or Force whatever until the Confirmation thereof by Act of Parliament: And whereas it is expedient that the several Provisional Orders made by the Board of Trade under the said Acts and set out in the Schedule hereto should be confirmed by Act of Parliament: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. The several Provisional Orders set out in the Schedule hereto shall be and are hereby confirmed. Orders in Schedule confirmed.

2. This Act may be cited as The Pier and Harbour Orders Confirmation Act, 1862. Short Title.

The SCHEDULE of Provisional Orders.

1. CARRICKFERGUS.—Improvement of the Harbour.
2. DEAL.—Construction of a Pier.
3. ORAN.—Improvement of the Harbour.
4. SAINT IVES.—Improvement of the Harbour.
5. TOBERMORY.—Construction of a Pier.
6. HASTINGS.—Construction of a Pier.

CARRICKFERGUS.

Provisional Order of the Board of Trade for the Improvement, Maintenance, and Regulation of the Harbour of Carrickfergus in the County of the Town of Carrickfergus.

Preamble. Whereas, under The General Pier and Harbour Act, 1861, the Municipal Commissioners of the Borough of Carrickfergus, as owners of the Port of Carrickfergus, made application by a memorial to the Lords of the Committee of Her Majesty's Most Honourable Privy Council appointed for the consideration of matters relating to Trade and Foreign Plantations, herein-after called the Board of Trade, praying for (among other things) a Provisional Order under the said Act for executing the works herein-after mentioned, with power for the said Commissioners to levy and recover rates according to the schedule in the memorial referred to:

And whereas the estimated expenditure on the proposed works is Six thousand pounds and no more:

And whereas, within the time in the said Act limited in this behalf, the promoters deposited copies of the said memorial, and of the plans, sections, and working drawings of the proposed works, at the office of the Clerk of the Peace for the County of the Town of Carrickfergus, and notice of such deposit was published according to the requirements of the said Act:

And whereas the promoters deposited at the Admiralty Office copies of the said memorial, plans, sections, and working drawings, and on the application of the promoters the Lords of the Admiralty have given their sanction to the proposed works:

And whereas the promoters prepared a schedule of rates to be levied at the proposed works, and published the same, according to the requirements of the said Act, and deposited a printed copy thereof at the office of the said Clerk of the Peace, and transmitted a copy thereof to the Board of Trade, and therewith a statement showing the state of the existing works, and the rates then leviable thereat, the average revenue derived at such works for the three years specified in the said Act, the estimated amount of the rates to be levied at the existing works, and also at the proposed works, and the estimated amount proposed to be expended on the works:

And

And whereas the Board of Trade, at the time in the said Act appointed in this behalf, took the said schedule and statement into consideration, and made such inquiries and obtained such further information in reference to the several matters therein set forth as they deemed expedient:

And whereas the said schedule was prepared, published, deposited, and transmitted as aforesaid before the passing of The General Pier and Harbour Act, 1861, Amendment Act:

And whereas it appears to the Board of Trade to be expedient that the same should be authorized by a Provisional Order, and accordingly the Board of Trade have finally adjusted and fixed the schedule of rates hereto annexed, such rates not exceeding the rates specified in the schedule so prepared, published, deposited, and transmitted as aforesaid:

And whereas the consent in writing of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues to the making of this Provisional Order has been obtained:

And whereas the Board of Trade, after making such inquiries as they have thought expedient, have settled this present Provisional Order, and intend to cause a Bill to be introduced into Parliament for the purpose of obtaining an Act for the confirmation of this Provisional Order (until which confirmation this Provisional Order will not be of any validity or force whatever):

Now, therefore, the Board of Trade do, by this their Provisional Order in pursuance of The General Pier and Harbour Act, 1861, and The General Pier and Harbour Act, 1861, Amendment Act, and by virtue and in exercise of the powers thereby respectively in them vested, and of every other power enabling them in this behalf, ORDER,—

That, from and immediately after the passing of an Act of Parliament confirming this Provisional Order, the following provisions shall take effect and be in force:—

Carrickfergus Harbour Commissioners.

1. The Municipal Commissioners for the Borough of Carrickfergus, and their successors in office, shall be and are hereby, for the purposes of this Order, incorporated by the name of The Carrickfergus Harbour Commissioners, and by that name shall be one body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of, lands and other property for the purposes, but subject to the restrictions, of this Order. **Incorporation of Commissioners.**

2. The Carrickfergus Harbour Commissioners, herein-after called the Commissioners, shall be the Undertakers of the works authorized by this Order. **The Undertakers.**

3. The Commissioners Clauses Act, 1847,—except the following sections thereof, namely, sections 6 to 55 (both inclusive), and 84, 96, 97, and 98,—shall be incorporated with this Order. **Commissioners Clauses Act incorporated.**

4. The Commissioners may borrow on mortgage or bond at interest such sums of money as may be required for the purposes of the works authorized by this Order, not exceeding in the whole the sum of 6,000*l.* **Borrowing.**

5. In order to create a sinking fund for the discharge of the principal money so borrowed, the Commissioners shall yearly set apart the surplus revenue of the Harbour, and shall deposit the same in some joint stock bank of issue in Ireland, to be increased by accumulation in the way of compound interest or otherwise, until the time when the accumulated fund shall be sufficient to pay off the principal money borrowed, or any such part thereof as the Commissioners **Sinking Fund.**

missioners may think ought to be then paid off, and the Commissioners shall then apply such accumulated fund in such payment accordingly; but so that the Commissioners shall not allow any sum exceeding 500*l.* to remain so deposited for a longer time than six calendar months without applying the same in such payment as aforesaid.

Re-borrowing.

6. Any money borrowed under this Order and discharged by means of the sinking fund aforesaid shall not be re-borrowed; but any money borrowed and discharged otherwise than by means of such sinking fund may be re-borrowed, if required for the purposes of this Order, and so *toties quoties*.

Receiver.

7. The mortgagees of the Commissioners may enforce the payment of the arrears of interest, or of the arrears of principal and interest, due to them on their respective mortgages, by the appointment of a receiver. The amount to authorize a requisition for a receiver shall be 1,000*l.*

Money to be applied to purposes of Order.

8. Every part of the money borrowed under this Order shall be applied only for purposes authorized by this Order.

Taking of Lands.

Power to take specified lands by agreement.

9. For the purposes of this Order, the Commissioners may from time to time, by agreement, enter on, take, or use all or any part of the lands shown on the deposited plans as intended to be taken for the purposes of the proposed works, and also all or any part of the lands described in Schedule (A.) to this Order annexed.

Lands Clauses Acts incorporated.

10. The Lands Clauses Consolidation Act, 1845, except with respect to the purchase and taking of lands otherwise than by agreement, and The Lands Clauses Consolidation Acts Amendment Act, 1860, shall be incorporated with this Order.

Works.

Power to make works.

11. Subject to the provisions of this Order, the Commissioners may, on the lands taken by them under this Order, and in the lines and according to the levels and within the limits of deviation shown on the deposited plans and sections, make and maintain the works shown on the deposited plans.

Description of Pier and Breakwater.

12. The works by this Order authorized comprise the following:—

(1.) A pier on the eastern side of the Harbour, commencing near the landward end of the existing pier or quay, and running in a southerly direction for 600 feet, then with a cant to the westward for 100 feet; the first 350 feet of the pier to be of stone work, the remainder of open pile work;

(2.) A stone breakwater to protect the same, 400 feet in length, lying about 550 feet to the westward of and parallel to the pier, with an easterly cant at the south end;

with a clear width of entrance between the pier and the breakwater of 400 feet.

Consent of Commissioners of Woods and Forests.

13. The Commissioners shall not construct any work on any part of the shore or bed of the sea below high-water mark without the previous consent of Her Majesty, Her heirs and successors, signified in writing under the hand of one of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, and then only according to such plan and under such restrictions and regulations as the last-mentioned Commissioners or one of them approve of, such approval being signified as last aforesaid. After any such work is constructed with

with such consent as aforesaid, the Commissioners shall not alter or extend the same without first obtaining the like consent and approval. If any work be commenced, constructed, altered, or extended, contrary to this provision, the Commissioners of Her Majesty's Woods, Forests, and Land Revenues may, at the expense of the Commissioners incorporated by this Order, abate and remove it or any part of it, and restore the site thereof to its former condition. The amount of such expense shall be a debt due to the Crown from the Commissioners incorporated by this Order, and shall be recoverable as such, with costs, or the same may be recovered with costs as a penalty is recoverable from those Commissioners.

Rates.

14. The Commissioners may demand and receive in respect of the vessels, goods, and things described in Schedule (B.) hereto, any sums not exceeding the rates in that Schedule specified. **Power to take rates according to Schedule (B.)**

15. Officers of Customs being in the execution of their duty, shall at all times have free ingress, passage, and egress, on, into, along, through, and out of the Pier and Harbour, by land, and with their vessels, and otherwise, without payment. **Custom House Officers exempt from rates.**

16. The Commissioners shall apply all rates received under this Order, and all other moneys coming to their hands from the existing Harbour, or new works, or the lands or property connected therewith, for the purposes and in the order following, and not otherwise :— **Application of rates and moneys received by the Commissioners.**

(1.) In paying the costs of and connected with the preparation and making of this Order:

(2.) In paying the expenses of the maintenance, management, and regulation of the existing Harbour and new works, and the lands and property connected therewith:

(3.) In paying the interest on any money borrowed under this Order, and any sum payable on account of the principal thereof:

(4.) In paying the rent of the property described in Schedule (A.) hereto, and in fining down such rent in pursuance of any agreement in that behalf made or to be made:

(5.) As to the surplus revenue of the Harbour, that is to say, so much of the rates and other moneys aforesaid, as may remain after making the several payments before in this provision directed,—in creating a sinking fund in manner before in this Order specified.

General Provisions.

17. The following provisions of The Harbours, Docks, and Piers Clauses Act, 1847, shall not be incorporated with this Order, namely, sections 16, 17, 18, and 19. **Lifeboats, tide-gauges, &c.**

18. The Commissioners shall not purchase for extraordinary purposes lands exceeding in extent in the whole two acres. **Lands for extraordinary purposes.**

19. The Commissioners shall have the appointment of meters and weighers within the Harbour. **Meters and weighers.**

20. The Commissioners may provide such steam engines, steam vessels, piling engines, diving bells, ballast lighters, rubbish lighters, and other machinery and vessels, as they may think necessary for effectuating any of the purposes of this Order; **Steam engines, diving bells, lighters, &c.**

Order; and may demand and receive such sums for the use of the same as they may think reasonable.

Pilotage, lights, buoys, and beacons.

21. The Commissioners shall be a Pilotage Authority and a Local Authority within the meaning of The Merchant Shipping Act, 1854, with all the powers by that Act conferred on pilotage authorities and on local authorities.

Part V. of 24 & 25 Vict. c. 47. to apply.

22. Part V. of The Harbours and Passing Tolls, &c. Act, 1861, shall apply to Carrickfergus Harbour as altered under this Order.

Short Title.

23. This Order may be cited as The Carrickfergus Harbour Order, 1862.

Board of Trade, Whitehall.

Dated this 19th day of May 1862.

(Signed) T. H. Farrer,
Assistant Secretary.

SCHEDULES.

SCHEDULE (A.)

A tenement and premises situate in the Irish quarter of the town of Carrickfergus, known as Wilson's or Barnett's Quay, comprised and particularly described in an agreement dated the 1st day of November 1861, and made between William Davys Duncan Wilson, Esq., of the one part, and the Municipal Commissioners of the Borough of Carrickfergus of the other part.

SCHEDULE (B.)

I.—Rates on Vessels using or Entering the Existing Harbour or New Works.

		s.	d.
For every vessel	per register ton	0	2

All pleasure boats, boats entirely open, and fishing boats, exempt.

II.—Rates on Goods Shipped or Unshipped, Received or Delivered, within the existing Harbour or at the New Works.

Bricks	per ton	0	1½
Cattle—bulls, cows, oxen, and horses	each	0	1
Cattle—calves, pigs, sheep, and lambs	per score	0	3
Cloverseed	per sack	0	1½
Coals	per ton	0	1½
Deals	per 120	1	0
Flour	per ton	0	1½
Gunpowder	per barrel	0	0½
Iron	per ton	0	1½
Lead	per ton	0	1½
Meal	per ton	0	1½
Salt rock	per ton	0	1½
Slates	per ton	0	1½
Stones	per ton	0	1½
Timber of all kinds, except deals	per load of 50 feet	0	2

All other Goods, not particularly enumerated above.

Light goods	per barrel bulk	0	1
Heavy goods	per ton	0	2

In charging the rates on goods, the gross weight or measurement of all goods to be taken; and for any less weights, measures, and quantities than those above specified, a proportion of the respective rate shall be charged.

Five cubic feet not exceeding 2½ cwt. to be rated as a barrel bulk; but, when the weight of 5 cubic feet is greater than 2½ cwt., then 2½ cwt. to be rated as a barrel bulk.

III.—Rates for the Use of Cranes, Weighing Machines, and Sheds provided at the existing Harbour or New Works.

1st. Rates of Craneage.

	s.	d.
All goods or packages not exceeding 1 ton	0	1½
Exceeding 1 ton and not exceeding 2 tons	0	2
Exceeding 2 tons and not exceeding 3 tons	0	3
Exceeding 3 tons and not exceeding 4 tons	0	4
Exceeding 4 tons and not exceeding 5 tons	0	5
Exceeding 5 tons and not exceeding 6 tons	0	6
Exceeding 6 tons	0	7

2nd. Weighing Machines.

For goods weighed, *1d.* for each ton or part of a ton.

3rd. Shed Dues.

For each ton of goods of 8 barrels bulk, or for each ton of goods of 20 cwt., which shall remain in the sheds or on the quays of the harbour for a longer time than 48 hours, the sum of *3d.*, and the sum of *1½d.* per ton for each day during which such goods shall remain after the first 48 hours.

DEAL.

Provisional Order of the Board of Trade for the Construction, Maintenance, and Regulation of a Pier at Deal in the County of Kent.

Whereas, under The General Pier and Harbour Act, 1861, the promoters of the Deal and Walmer Pier made application by a memorial to the Lords of the Committee of Her Majesty's Most Honourable Privy Council appointed for the consideration of matters relating to Trade and Foreign Plantations, herein-after called the Board of Trade, setting forth the necessity of a Pier at Deal in the County of Kent, and praying their Lordships to approve of the project thus submitted, and to grant a Provisional Order for its execution, containing powers and privileges for the complete execution of the works, and for the levying of rates and tolls, not exceeding those in the memorial referred to: Preamble.

And whereas the estimated expenditure on the proposed works is twelve thousand pounds and no more:

And whereas, within the time in the said Act limited in this behalf, the promoters deposited copies of the said memorial and of the plans, sections, and working drawings of the proposed works at the office of the Clerk of the Peace for the County of Kent, and notice of such deposit was published according to the requirements of the said Act:

And whereas the promoters deposited at the Admiralty Office copies of the said memorial, plans, sections, and working drawings, and on the application of the promoters the Lords of the Admiralty have given their sanction to the proposed works:

And whereas the promoters prepared a schedule of rates to be levied at the proposed works, and published the same, according to the requirements of the said Act, and deposited a printed copy thereof at the office of the said Clerk of the Peace, and transmitted a copy thereof to the Board of Trade, and therewith a statement showing the probable or estimated amount of the rates to be levied at the proposed works, and also the estimated amount proposed to be expended on the works:

And whereas the Board of Trade, at the time in the said Act appointed in this behalf, took the said schedule and statement into consideration, and made such inquiries and obtained such further information in reference to the several matters therein set forth as they deemed expedient:

And whereas the said schedule was prepared, published, deposited, and transmitted as aforesaid before the passing of The General Pier and Harbour Act, 1861, Amendment Act:

And whereas it appears to the Board of Trade to be expedient that the same (with the omission of part thereof) should be authorized by a Provisional Order, and accordingly the Board of Trade have finally adjusted and fixed the schedule of rates hereto annexed, such rates not exceeding the rates specified in the said schedule so prepared, published, deposited, and transmitted as aforesaid:

And whereas the consent in writing of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues to the making of this Provisional Order has been obtained:

And whereas the Board of Trade, after making such inquiries as they have thought expedient, have settled this present Provisional Order, and intend to cause a Bill to be introduced into Parliament for the purpose of obtaining an Act for the confirmation of this Provisional Order (until which confirmation this Provisional Order will not be of any validity or force whatever):

Now, therefore, the Board of Trade do by this their Provisional Order, in pursuance of The General Pier and Harbour Act, 1861, and The General Pier and Harbour Act, 1861, Amendment Act, and by virtue and in exercise of the powers thereby respectively in them vested, and of every other power enabling them in this behalf, ORDER,—

That, from and immediately after the passing of an Act of Parliament confirming this Provisional Order, the following provisions shall take effect and be in force:—

The undertakers.

1. The Deal and Walmer Pier Company, Limited, herein-after called the Company, shall be the undertakers of the works authorized by this Order.

Power to take specified lands by agreement.

2. For the purposes of the works by this Order authorized, the Company may from time to time, by agreement, enter on, take, or use all or any part of the lands shown on the deposited plans as intended to be taken for the purposes of the proposed works.

Lands Clauses Acts incorporated.

3. The Lands Clauses Consolidation Act, 1845, except with respect to the purchase and taking of lands otherwise than by agreement, and The Lands Clauses Consolidation Acts Amendment Act, 1860, shall be incorporated with this Order.

4. Subject

4. Subject to the provisions of this Order, the Company may, on the lands taken by them under this Order, and in the lines and according to the levels and within the limits of deviation shown on the deposited plans and sections, make and maintain the works shown on the deposited plans. **Power to make works.**

5. The works by this Order authorized comprise the following:— **Description of Pier.**

A pier on iron piles carried out from the South Esplanade, Deal, into the sea to a distance of 920 feet, with a general width of 20 feet, and a width at the head of 40 feet.

6. The Company shall not construct any work on any part of the shore or bed of the sea below high-water mark without the previous consent of Her Majesty, Her heirs and successors, signified in writing under the hand of one of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, and then only according to such plan and under such restrictions and regulations as the said Commissioners, or one of them, approve of, such approval being signified as last aforesaid. After any such work is constructed with such consent as aforesaid, the Company shall not alter or extend the same without first obtaining the like consent and approval. If any work be commenced, constructed, altered, or extended, contrary to this provision, the said Commissioners may, at the expense of the Company, abate and remove it or any part of it, and restore the site thereof to its former condition. The amount of such expense shall be a debt due to the Crown from the Company, and shall be recoverable as such, with costs, or the same may be recovered with costs as a penalty is recoverable from the Company. **Consent of Commissioners of Woods and Forests.**

7. The Company may demand and receive in respect of the vessels, goods, persons, and things in the Schedule hereto described, any sums not exceeding the rates in that Schedule specified. **Power to take rates according to Schedule to this Order.**

8. Officers of Customs being in the execution of their duty, shall at all times have free ingress, passage, and egress, to, on, along, and from the Pier by land, and with their vessels, and otherwise, without payment. **Custom House Officers exempt from rates.**

9. The Company shall not purchase for extraordinary purposes lands exceeding in extent in the whole two acres. **Lands for extraordinary purposes.**

10. The Company shall have the appointment of meters and weighers on the Pier. **Meters and weighers.**

11. The Company may provide such steam-engines, steam-vessels, piling engines, diving bells, ballast lighters, rubbish lighters, and other machinery and vessels, as they may think necessary for effectuating any of the purposes of this Order; and may demand and receive such sums for the use of the same as they may think reasonable. **Steam engines, diving bells, lighters, &c.**

12. Part V. of The Harbours and Passing Tolls, &c. Act, 1861, shall apply to the Harbour by this Order authorized. **Part V. of 24 & 25 Vict. c. 47. to apply.**

13. This Order may be cited as The Deal and Walmer Pier Order, 1862. **Short Title.**

Board of Trade, Whitehall.

Dated this 19th day of May 1862.

(Signed) T. H. Farrer,
Assistant Secretary.

SCHEDULE.

I.—Rates on Vessels using the Pier.

		s.	d.
For every vessel under the burden of 15 tons	per ton	0	4
For every vessel of the burden of 15 tons, and under 50 tons	per ton	0	6
For every vessel of the burden of 50 tons, and under 100 tons,	per ton	0	8
For every vessel of the burden of 100 tons, and under 150 tons,	per ton	0	10
For every vessel of the burden of 150 tons, and upwards	per ton	1	0
All lighters for any vessel in the roads shall be exempt from rates; but if the vessel do not use the Pier, every lighter shall pay for each trip	per ton	0	2
All boats entirely open, landing or taking on board goods or dried or salted fish	each	0	6
All drave or large boats using the pier with fresh fish	each	0	4

II.—Rates on Goods shipped or unshipped at the Pier.

		s.	d.
Ale	per hogshead	0	6
Ale (bottled)	per barrel bulk	0	3
Anchor	per cwt.	0	9
Anchor stock	per foot run	0	2
Bark	per ton	1	0
Bedding (seaman's)		0	3
Beef or pork	per ton	1	4
Beef or pork	per barrel	0	2
Blubber	per ton of 252 gallons	1	0
Bone dust	per ton	0	8
Bones of cattle	per ton	0	6
Bottles	per gross	0	2
Bricks	per 1,000	0	8
Butter	per barrel	0	4
Casks (empty), not being returned packages	per puncheon	0	3
Other casks in proportion.			
Cattle:			
Bulls	each	0	3
Cows and oxen	each	0	2
Calves	each	0	0½
Horses	each	0	2
Pigs	each	0	0½
Sheep	per score	0	6
Lambs	per score	0	3
Chalk	per ton	0	8
Cheese	per cwt.	0	4
Chimney cans	per 100	1	4
Clay (fire, manufactured)	per ton	0	6
Clay (common)	per ton	0	2
Cloth, haberdashery, &c.	per barrel bulk	0	2
Coaches:			
Chaises and other four-wheeled carriages	each	0	8
Gigs, carts, and other two-wheeled carriages	each	0	6
Coals (Scotch, English, smithy, and culm)	per ton	0	3
Copper	per ton	1	4
Corks	per barrel bulk	0	2
Corn:			
Wheat and malt	per quarter	0	3
Barley, beans, peas, tares, oats, rye, buckwheat, and Indian corn	per quarter	0	2

		s.	d.
Crystal	per barrel bulk	0	2
Dissolved bones and other artificial manures	per ton	0	8
Dogs (sporting only)	each	0	2
Drugs	per barrel bulk	0	3
Earthenware	per crate	0	8
Eggs	per barrel bulk	0	2
Fish (dried and salted)	per ton	1	4
Haddocks, cod, salmon, and all fresh fish not enumerated	per barrel bulk	0	2
Flax	per ton	1	4
Flour	per sack	0	2
Flour	per barrel	0	1½
Fruit	per bushel or sieve	0	2
Glass	per barrel bulk	0	3
Groceries, viz.:			
Almonds, figs, cinnamon, currants, pepper, pimento, plums, prunes, raisins, and the like	per barrel bulk	0	3
Guano	per ton	0	8
Gunpowder	per barrel	0	3
Hams, bacon, or tongues	per cwt.	0	3
Hardware	per barrel bulk	0	3
Hares and rabbits	per dozen	0	2
Any less quantity		0	1
Hay	per ton	0	8
Hemp	per ton	1	4
Herrings (fresh)	per cran	0	1
Herrings (cured)	per barrel	0	3
Hides:			
Ox, cow, or horse (salted or dried)	per ton	1	4
Calf skins	per 120	0	10
Sheep skins	per 120	0	10
Lamb skins	per 120	0	5
Hoops of wood	per 1,500	1	0
Household furniture (new)	per barrel bulk	0	1
Household furniture (belonging to parties changing their residences only)	per 10 barrels bulk	0	6
Husbandry utensils	per ton	1	4
Husbandry utensils	per barrel bulk	0	2
Iron:			
Bar, bolt, and rod	per ton	1	4
Pig and old	per ton	0	8
Manufactured, cast, and wrought	per cwt.	0	2
Chain cables	per ton	1	4
Kelp	per ton	0	8
Lead (all kinds)	per ton	1	4
Leather (tanned and dressed)	per ton	1	4
Lime	per chaldron of 16 bolls	1	4
Limestone	per ton	0	3
Loam or moulding sand	per ton	0	3
Machinery	per ton	1	4
Machinery	per barrel bulk	0	3
Manure (street)	per ton	0	2
Masts and spars, 10 inches in diameter and upwards	each	4	6
Under 10 inches	each	3	0
Meal	per bag of 280 lbs.	0	2
Meat (fresh)	per ton	1	4

		s.	d.
Meat (fresh)	per barrel	0	2
Milk	per 3 large pitchers	0	0½
Musical instruments	per barrel bulk	0	3
Oils	per ton	1	0
Ores:			
Copper, iron, lead, and other ores	per ton	0	8
Oysters	per bushel	0	3
Passengers' luggage, not exceeding 4 barrels bulk, free. All above 4 barrels bulk	per barrel bulk	0	3
Peats	per ton	0	3
Pitch	per barrel	0	3
Porter	per hogshead	0	4
Porter (bottled)	per barrel bulk	0	2
Potatoes	per ton	0	6
Poultry, including pigeons, game, &c.	per dozen	0	1
Any less quantity		0	0½
Rags (linen)	per ton	1	4
Other rags, old rope, and the like	per ton	0	10
Rape cakes	per ton	0	8
Salt	per ton	0	10
Seeds:			
Flax and rape	per hogshead	0	6
Flax	per barrel	0	3
Flax, in bulk	per quarter	0	2
Clover	per ton	1	4
Garden	per ton	1	4
Hemp and canary	per ton	1	4
Rye grass	per 8 bushels	0	2
Shrimp baskets	each	0	2
Skin, seal	per 120	0	8
Slates, under size	per 1,000	0	6
Sizeable	per 1,000	0	10
Over size	per 1,000	1	4
Spirits (Foreign and British)	per hogshead of 56 gallons	0	8
Stones:			
Rubble	per ton of 16 cubic feet	0	2
Hewn ashlar freestone	per ton of 16 cubic feet	0	4
Rough ashlar freestone	per ton of 16 cubic feet	0	3
Pavement not exceeding 3 inches thick	per 70 feet	0	4
Pavement above 3 inches thick	per 16 cubic feet	0	4
Scythe stones	per score	0	1
Mill stones	each	0	8
Steel	per ton	1	4
Sugar	per ton	1	4
Tallow	per ton	1	4
Tar	per barrel	0	2
Tea	per chest	0	3
Tiles (roofing)	per 1,000	0	9
Tiles or pipes for draining	per 1,000	0	8
Tin of all kinds	per ton	1	4
Tobacco	per ton	2	6
Treenails, under 2 feet in length	per 1,000	0	6
Treenails, exceeding 2 feet in length	per 1,000	1	0
Turnips	per ton	0	6
Turpentine	per hogshead	0	8
Vegetables	per cartload	0	2
Vinegar	per hogshead	0	6

		s.	d.
Vitriol	per carboy	0	2
Whalebone	per ton	2	6
Wine	per hogshead	0	8
Wine (bottled)	per barrel bulk	0	4
Wood:			
Fir, pine, and other descriptions not enumerated	per load of 50 feet	0	10
Oak or wainscot	per load of 50 feet	1	0
Firewood	per fathom	0	6
Laths and lathwood	per fathom of 216 cubic feet	2	6
Handspokes	per 120	0	10
Oars	per 120	2	6
Spars, under 22 feet in length, above 2½ and under 4 inches in diameter	per 120	2	6
Spars, 2½ inches in diameter and under	per 120	1	4
Spars, 22 feet in length and upwards, and not exceeding 4 inches in diameter	per 120	6	6
Spars of all lengths, above 4 and under 6 inches in diameter	per 120	12	0
Spokes of wheels not exceeding 2 feet in length	per 120	0	4
Exceeding 2 feet in length	per 120	0	6
Wedges	per 1,000	1	0
Pipe staves, and others in proportion	per standard hundred	1	0
Lignum vitæ, fustic, logwood, mahogany, and rosewood	per ton	1	4
Wool	per cwt.	0	2
Yarn	per ton	1	4
Zinc	per ton	1	4

All other Goods not particularly enumerated in the above Table.

Light goods	per barrel bulk	0	2
Heavy goods	per ton	1	4

In charging the rates on goods, the gross weight or measurement of all goods to be taken, and for any less weights, measures, and quantities than those above specified, a proportion of the respective rates shall be charged.

Five cubic feet, not exceeding 2½ cwt., to be rated as a barrel bulk; but when the weight of 5 cubic feet is greater than 2½ cwt., then 2½ cwt. to be rated as a barrel bulk.

III.—Rates for Use of Cranes, Weighing Machines, and Sheds.

1st. Rates of Craneage.

	s.	d.
All goods or packages not exceeding 1 ton	0	3
Exceeding 1 ton, and not exceeding 2 tons	0	4
Exceeding 2 tons, and not exceeding 3 tons	0	6
Exceeding 3 tons, and not exceeding 4 tons	0	8
Exceeding 4 tons, and not exceeding 5 tons	0	10
Exceeding 5 tons, and not exceeding 6 tons	1	0
Exceeding 6 tons, and not exceeding 7 tons	1	2
Exceeding 7 tons, and not exceeding 8 tons	1	4
Exceeding 8 tons, and not exceeding 9 tons	1	8
Exceeding 9 tons, and not exceeding 10 tons	2	0
Exceeding 10 tons	3	0

2nd. Weighing Machines.

For goods weighed, for each ton or part of a ton	0	1

3rd. Shed Dues.

	s.	d.
For each ton of goods of 8 barrels bulk, or for each ton of goods of 20 cwt., which shall remain in the sheds or other works of the Pier for a longer time than 48 hours, the sum of *3d.*; and the sum of *1½d.* per ton for each day during which such goods shall remain after the first 48 hours.		
For any portmanteau, trunk, parcel, or other article of passengers luggage for each day or part of a day, per package - - -	0	2

IV.—Rates on Passengers Landing on or Embarking from the Pier.

	£	s.	d.
For every passenger or other person who shall land on the said Pier from, or embark from it on board of, any ship, vessel, packet, or passage boat, not being boats or vessels used for pleasure only, for each and every time, any sum not exceeding -	0	0	2
For every person who shall land on the said Pier from, or embark from it on board of, any boat or vessel used for pleasure only, for each and every time, any sum not exceeding - -	0	0	6
For every person who shall use the said Pier for the purpose of walking for exercise, pleasure, or any other purpose, except for embarking or disembarking, for each and every time, any sum not exceeding - - - - - - - -	0	0	2
For every master of any vessel, boat, or wherry, being an inhabitant of the town of Deal or parish of Walmer, and using the said Pier for the purpose of going to or returning from his own vessel, boat, or wherry, an annual sum not exceeding - -	1	0	0

OBAN.

Provisional Order of the Board of Trade for the Improvement, Maintenance, and Regulation of the Harbour of Oban in the County of Argyll.

Preamble. Whereas, under The General Pier and Harbour Act, 1861, the Most Honourable John Marquess of Breadalbane made application by a memorial to the Lords of the Committee of Her Majesty's Most Honourable Privy Council appointed for the consideration of matters relating to Trade and Foreign Plantations, herein-after called the Board of Trade, representing that the Pier at the Harbour of Oban, in the County of Argyll, belonging to him, was constructed by his predecessors at their own expense, and that the same being now inadequate to the wants of the community, he is desirous to execute additional works at the said Pier and Harbour under the authority of the said Act:

And whereas the estimated expenditure on the proposed works is one thousand three hundred and forty pounds and no more:

And whereas, within the time in the said Act limited in this behalf, the promoter deposited copies of the said memorial and of the plans, sections, and working drawings of the proposed works with the Sheriff Clerk of the County of Argyll, at Inverary, and notice of such deposit was published according to the requirements of the said Act:

And whereas the promoter deposited at the Admiralty Office copies of the said memorial, plans, sections, and working drawings, and on his application the Lords of the Admiralty have given their sanction to the proposed works:

And

And whereas the consent in writing of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues to the making of this Provisional Order has been obtained:

And whereas the Board of Trade, after making such inquiries as they have thought expedient, have settled this present Provisional Order, and intend to cause a Bill to be introduced into Parliament for the purpose of obtaining an Act for the confirmation of this Provisional Order (until which confirmation this Provisional Order will not be of any validity or force whatever):

Now, therefore, the Board of Trade do by this their Provisional Order, in pursuance of The General Pier and Harbour Act, 1861, and The General Pier and Harbour Act, 1861, Amendment Act, and by virtue and in exercise of the powers thereby respectively in them vested, and of every other power enabling them in this behalf, Order,—

That, from and immediately after the passing of an Act of Parliament confirming this Provisional Order, the following provisions shall take effect and be in force:—

1. The said John Marquess of Breadalbane, or the proprietor of the said Pier for the time being, shall be the Undertaker of the works authorized by this Order. **The Undertaker.**

2. For the purposes of the works authorized by this Order, the Undertaker may from time to time, by agreement, enter on, take, or use all or any part of the lands shown on the deposited plans as intended to be taken for the purposes of the proposed works. **Power to take specified lands by agreement.**

3. The Lands Clauses Consolidation (Scotland) Act, 1845, except with respect to the purchase and taking of lands otherwise than by agreement, and The Lands Clauses Consolidation Acts Amendment Act, 1860, shall be incorporated with this Order. **Lands Clauses Acts incorporated.**

4. Subject to the provisions of this Order, the Undertaker may, on the lands taken by him under this Order, and in the lines and according to the levels and within the limits of deviation shown on the deposited plans and sections, make and maintain the works shown on the deposited plans. **Power to make works.**

5. The time for the completion of the works authorized by this Order shall be two years after the passing of an Act confirming this Order. **Time for completion of works.**

6. The provisions of The Harbours, Docks, and Piers Clauses Act, 1847, with respect to rates and to the collection and recovery of rates, and sections 16, 17, 18, and 19 of that Act, shall not be incorporated with this Order. **Rates, Lifeboats, &c.**

7. Officers of Customs being in the execution of their duty, shall at all times have free ingress, passage, and egress, on, into, along, through, and out of the Pier and Harbour, by land, and with their vessels, and otherwise without payment. **Custom House Officers exempt from rates.**

8. Nothing in this Order shall be deemed to enable the Undertaker to purchase, or to enable any person to sell or convey to the Undertaker, for extraordinary purposes, lands exceeding in extent in the whole two acres. **Lands for extraordinary purposes.**

9. The Undertaker shall have the appointment of meters and weighers on and within the Pier and Harbour. **Meters and weighers.**

10. This Order may be cited as The Oban Harbour Order, 1862. **Short Title.**

Board of Trade, Whitehall.

Dated this 19th day of May 1862. (Signed) T. H. Farrer,
Assistant Secretary.

SAINT IVES.

Provisional Order of the Board of Trade for the Improvement, Maintenance, and Regulation of the Harbour of Saint Ives in the County of Cornwall.

Preamble.

Whereas, under The General Pier and Harbour Act, 1861, the Saint Ives Harbour Commissioners made application by a memorial to the Lords of the Committee of Her Majesty's Most Honourable Privy Council appointed for the consideration of matters relating to Trade and Foreign Plantations, herein-after called the Board of Trade, praying the Board of Trade to make a Provisional Order under the said Act, and thereby to empower such Commissioners (among other things) to make and maintain a pier and other accommodation connected therewith at Saint Ives, in the County of Cornwall, and to take land on lease or otherwise by agreement to an extent to be limited in such Order, and to levy and recover rates at such works not exceeding the amounts specified in the Schedule of rates thereto annexed, and to raise money for the purposes of such works, and thereby also to regulate the borrowing powers of such Commissioners, and therein to specify such terms and conditions to be observed by such Commissioners for the formation, management, and maintenance of such works as to the Board of Trade might seem fit:

And whereas the estimated expenditure on the proposed works is twenty thousand pounds and no more:

And whereas, within the time in the said Act limited in this behalf, the promoters deposited copies of the said memorial and of the plans, sections, and working drawings of the proposed works at the office of the Clerk of the Peace for the County of Cornwall, and notice of such deposit was published according to the requirements of the said Act:

And whereas the promoters deposited at the Admiralty Office copies of the said memorial, plans, sections, and working drawings, and on the application of the promoters the Lords of the Admiralty have given their sanction to the proposed works:

And whereas the promoters prepared a schedule of rates to be levied at the proposed works, and published the same, according to the requirements of the said Act, and deposited a printed copy thereof at the office of the said Clerk of the Peace, and transmitted a copy thereof to the Board of Trade, and therewith a statement showing the state of the existing works, the probable or estimated amount of the rates to be levied at the existing works, and also at the proposed works, and also the estimated amount proposed to be expended on the works:

And whereas a certain objection to the said schedule was forwarded in writing to the Board of Trade within the time in the said Act limited in this behalf:

And whereas the Board of Trade, at the time in the said Act appointed in this behalf, took the said schedule and statement into consideration, and made such inquiries and obtained such further information in reference to the several matters therein set forth and to the objection aforesaid as they deemed expedient:

And whereas the said Schedule was prepared, published, deposited, and transmitted as aforesaid before the passing of The General Pier and Harbour Act, 1861, Amendment Act:

And

And whereas it appears to the Board of Trade to be expedient that the same, as modified on the objection aforesaid, should be authorized by a Provisional Order, and accordingly the Board of Trade have finally adjusted and fixed the schedule of rates hereto annexed, such rates not exceeding the rates specified in the schedule so prepared, published, deposited, and transmitted, and so modified as aforesaid:

And whereas the consent in writing of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues to the making of this Provisional Order has been obtained:

And whereas the Board of Trade, after making such inquiries as they have thought expedient, have settled this present Provisional Order, and intend to cause a Bill to be introduced into Parliament for the purpose of obtaining an Act for the confirmation of this Provisional Order (until which confirmation this Provisional Order will not be of any validity or force whatever):

Now, therefore, the Board of Trade do, by this their Provisional Order, in pursuance of The General Pier and Harbour Act, 1861, and The General Pier and Harbour Act, 1861, Amendment Act, and by virtue and in exercise of the powers thereby respectively in them vested, and of every other power enabling them in this behalf, Order,—

That, from and immediately after the passing of an Act of Parliament confirming this Provisional Order, the following provisions shall take effect and be in force:—

Commissioners.

1. The Saint Ives Harbour Commissioners, constituted by The Saint Ives Harbour Act, 1853, herein-after called the Commissioners, shall be the Undertakers of the works authorized by this Order. **The Undertakers. (16 & 17 Vict. c. cxxix.)**

2. The Commissioners Clauses Act, 1847, except section 54, shall be incorporated with this Order. **Commissioners Clauses Act incorporated.**

3. The Commissioners may borrow on mortgage or bond at interest such sums of money as may be required for the purposes of the works authorized by this Order, not exceeding in the whole the sum of 25,000*l.* **Borrowing.**

4. The sum to be yearly set apart as a sinking fund for the purposes and according to the provisions of section 84 of The Commissioners Clauses Act, 1847, shall be one-fiftieth part of the sums so borrowed. **Sinking Fund.**

5. Any money borrowed under this Order and discharged by means of the sinking fund shall not be re-borrowed, but any money borrowed and discharged by any means other than the sinking fund may be re-borrowed, and so *toties quoties.* **Re-borrowing.**

6. The mortgagees of the Commissioners may enforce the payment of the arrears of interest, or of the arrears of principal and interest, due to them on their respective mortgages, by the appointment of a receiver. The amount to authorize a requisition for a receiver shall be 1,000*l.* **Receiver.**

7. Every part of the money borrowed under this Order shall be applied only for purposes authorized by this Order. **Money to be applied to purposes of Order.**

Taking of Lands.

8. For the purposes of the works authorized by this Order, the Commissioners may from time to time, by agreement, enter on, take, or use all or any part of **Power to take specified lands by agreement.**

the lands shown on the deposited plans as intended to be taken for the purposes of the proposed works.

Lands Clauses Acts incorporated.

9. The Lands Clauses Consolidation Act, 1845, except with respect to the purchase and taking of lands otherwise than by agreement, and The Lands Clauses Consolidation Acts Amendment Act, 1860, shall be incorporated with this Order.

Works.

Power to make works.

10. Subject to the provisions of this Order, the Commissioners may, on the lands taken by them under this Order, and in the lines and according to the levels and within the limits of deviation shown on the deposited plans and sections, make and maintain the works shown on the deposited plans.

Description of Pier.

11. The works by this Order authorized comprise the following:—

A pier 600 feet in length, running 540 feet below high-water mark, in a south-easterly direction, into a depth of water of 30 feet at time of high-water, and of 6 feet at time of low-water.

Consent of Commissioners of Woods and Forests.

12. The Commissioners shall not construct any work on any part of the shore or bed of the sea below high-water mark without the previous consent of Her Majesty, Her heirs and successors, signified in writing under the hand of one of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, and then only according to such plan and under such restrictions and regulations as the last-mentioned Commissioners, or one of them, approve of, such approval being signified as last aforesaid. After any such work is constructed with such consent as aforesaid, the Saint Ives Harbour Commissioners shall not alter or extend the same without first obtaining the like consent and approval. If any work be commenced, constructed, altered, or extended, contrary to this provision, the Commissioners of Her Majesty's Woods, Forests, and Land Revenues may, at the expense of the Saint Ives Harbour Commissioners, abate and remove it, or any part of it, and restore the site thereof to its former condition. The amount of such expense shall be a debt due to the Crown from the Saint Ives Harbour Commissioners, and shall be recoverable as such, with costs, or the same may be recovered with costs as a penalty is recoverable from them.

Restriction on removal of existing Pier.

13. The now existing pier shall not be removed until the pier by this Order authorized to be made is completed to the extent of 400 feet in length.

Rates.

Power to take rates according to Schedule to this Order.

14. The Commissioners may demand and receive in respect of the vessels, goods, and things in the Schedule hereto described, any sums not exceeding the rates in that Schedule specified.

Custom House Officers exempt from Rates.

15. Officers of Customs, being in the execution of their duty, shall at all times have free ingress, passage, and egress, on, into, along, through, and out of the Pier and Harbour, by land, and with their vessels, and otherwise, without payment.

Application of Rates and other moneys received under Order.

16. Subject to the provision, in the prescribed manner, of a sinking fund for the discharge of any principal money borrowed under this Order, the Commissioners shall apply the rates received by them under this Order, and all other moneys coming to their hands under or by virtue of the same, for the purposes and in the order following, and not otherwise:—

(1.) In paying the expenses of and connected with the preparation and making of this Order:

(2.) In

(2.) In paying to the Mayor, Aldermen, and Burgesses of the Borough of Saint Ives the sum of 25*l.* on the 2nd day of February in each year:

(3.) In making, maintaining, and regulating the Harbour and the Pier and works authorized by this Order:

(4.) In paying the interest on any money borrowed under this Order, and any principal money payable on account thereof.

General Provisions.

17. The following provisions of The Saint Ives Harbour Act, 1853, shall be incorporated with this Order, as if they were repeated in terms in this Order, with the substitution of the term "this Order" for the term "this Act," namely, sections 23, 33 (as far as it defines the limits of the Harbour), 35, 40, 44, 48, 52, 54, 55, 56, and 57. Incorporation of parts of 16 & 17 Vict. c. cxxix.

18. The Commissioners shall not purchase for extraordinary purposes lands exceeding in extent in the whole two acres. Lands for extraordinary purposes.

19. The Commissioners shall have the appointment of meters and weighers on and within the Pier and Harbour. Meters and weighers.

20. This Order may be cited as The Saint Ives Harbour Order, 1862. Short Title.

Board of Trade, Whitehall.
Dated this 19th day of May, 1862. (Signed) T. H. Farrer,
Assistant Secretary.

SCHEDULE.

I.—Rates for Vessels entering or using the Harbour.

	s.	d.
For each sein boat or dipper used or kept afloat within the said Harbour at any time during the year, the yearly sum (to be considered as due on the Thirty-first day of December in each year) of	3	0
For each tow boat used or kept afloat within the said Harbour at any time during the year, the yearly sum (to be considered as due on the Thirty-first day of December in each year) of - - -	1	6
For each follower used or kept afloat within the said Harbour at any time during the year, the yearly sum (to be considered as due on the Thirty-first day of December in each year) of - - -	1	0
For every drift boat (being boats generally used for deep-sea fishing) belonging to the Harbour of Saint Ives, above the size of five tons, per ton per annum, to be considered as due on first using the Harbour after the first day of March in each year - -	1	0
For every tackler or other boat not exceeding the size of five tons (not being a sein boat, dipper, tow boat, follower, ship's boat, or punt,) belonging to the Harbour of Saint Ives, per annum, to be considered as due on first using the Harbour after the first day of March in every year - - - - - -	5	0
For every vessel (other than those herein-before specifically mentioned, entering the Harbour, for every ton register measurement thereof	0	2
And if the same shall remain in the Harbour more than two months continuously, then for every month or part of a month during which the same shall remain in the Harbour after the first two months the further sum per ton register measurement of -	0	0½

II.—Rates for Goods shipped or unshipped, received or delivered, in the existing Harbour or at the new Pier.

		s.	d.
Acid water, acid vegetable, or mineral	per pipe	1	0
Ditto ditto	per hogshead	0	6
Ditto ditto	per firkin	0	3
Ditto ditto	per jar	0	2
Acorns	per ton of forty bushels	1	0
Ale, beer, or porter	per butt or pipe	1	0
Ditto	per hogshead	0	6
Ditto	per barrel	0	3
Ditto	per kilderkin	0	1½
Ditto	in bottles, per dozen	0	1
Alabaster	per ton	1	0
Alkanet root	per cwt.	0	4
Alum	per cwt.	0	2
Almonds	per cwt.	0	3
Aloes	per cwt.	0	4
Amber	per cwt.	0	4
Ambergris	per cwt.	1	0
Anacardium, or the cashew nut	per bushel	0	1
Anchors	per cwt.	0	1
Anchovies	per barrel	0	2
Angelica	per cwt.	0	3
Animals, stuffed	each	0	6
Annatto	per cwt.	0	4
Anniseeds	per cwt.	0	3
Antimony	per cwt.	0	3
Anvils	per cwt.	0	1
Apples or pears	per cwt.	0	3
Arrow root and powder	per cwt.	0	3
Arsenic	per ton	1	0
Ashes, barilla	per cwt.	0	1
Pearl and pot	per cwt.	0	2
Black	per cwt.	0	1
Bleaching	per cwt.	0	2
Common Irish	per cwt.	0	1
Soda	per cwt.	0	1
Asphaltum	per cwt.	0	1
Bacon or pork	per cwt.	0	2
Bagging	per cwt.	0	4
Ballast	per ton register measurement of vessel	0	1
Bark, tanners, chopped	per ton	1	0
Ditto, rinds, not ground	per ton	1	0
Angustina	per cwt.	0	4
Birch and larch	per ton	1	0
Quercitron	per ton	2	0
Sassafras	per cwt.	0	4
Winteranus	per cwt.	0	4
Baskets	per dozen	0	1
Basket rods	per thousand	0	3
Bass rope	per cwt.	0	2
Bedposts, mahogany	per set	0	6
Others	per set	0	4
Beef or pork	per tierce	0	6
Ditto	per barrel	0	4
Ditto	per half barrel and smaller package	0	2
Beehives	per dozen	0	2
Beer, spruce	per barrel of 32 gallons	0	8

		s.	d.
Bell metal	per cwt.	0	2
Bellows, smiths	each	0	6
Bellows, common	per dozen	0	6
Berries, bay	per cwt.	0	1
Juniper	per cwt.	0	1
Yellow	per cwt.	0	1
Biscuit or bread	per cwt.	0	2
Blacking	per cwt.	0	2
Blackjack	per ton	0	4
Blocks, heel	per gross	0	2
Last	per dozen	0	1
Ship	per dozen	0	1
Blubber	per cwt.	0	1
Blue	per cwt.	0	2
Bobbins	per cask	1	0
Bone dust	per quarter	0	2
Bones	per ton	1	6
Books	per cwt.	0	4
Borax	per cwt.	0	2
Bottles, loose, empty	per gross	0	2
In baskets or carboys	full	0	6
Bowls of wood	per dozen	0	2
Boxes, iron, for wheels	per cwt.	0	1
Bran	per ton	1	0
Brandy	per hogshead	1	6
Ditto	(in transitu)	1	0
Brass, new	per cwt.	0	2
Old	per cwt.	0	1
Bricks, common	per thousand	1	0
Fire	per thousand	2	0
Scouring		1	6
Slabjacks	per dozen	0	1½
Brimstone	per cwt.	0	1
Bristles	per 12 lbs.	0	1
Brooms, birch	per gross	0	2
Brooms and brush handles	per gross of 12 dozen	0	6
Brush heads and stocks	per hundred	0	1
Brushes, hair, rush, or whalebone	per dozen	0	2
Bugles and beads	per cwt.	0	3
Bullion	per package	1	0
Bullrushes	per bundle	0	1
Butter	per cask	0	3
,,	per firkin	0	1½
,,	per pot	0	1
Cakes, linseed or rape	per cwt.	0	1
Calamine	per cwt.	0	1
Calaminaris, lapis	per cwt.	0	1
Calves velves	per cwt.	0	3
Camphor	per cwt.	0	6
Candles, tallow	chest of 14 dozen	0	6
,, ,,	half chest	0	3
,, wax	per 12 lbs.	0	1
Canella alba	per cwt.	0	4
Canes	per bundle	0	6
Cantharides	per cwt.	1	0
Canvass	per bolt	0	1
Caoutchouc	per cwt.	0	4
Capers	per cwt.	0	6

		s.	d.
Capillaire	per 100 gallons	1	0
Carboys, empty	each	0	1
Cards, wool	per dozen	0	1
Carriages or coaches	each	10	6
Gigs	each	5	0
For guns	each	1	6
Carts	each	2	6
Hand	each	1	0
Casks, empty	per ton, not returned	0	2
Cassia buds	per cwt.	0	6
Fistula	per cwt.	0	4
Cattle; viz.:			
Asses and mules	each	1	0
Bulls, cows, and oxen	each	1	6
Calves and lambs	each	0	6
Horses	each	2	0
Pigs or sheep	each	0	6
Sucking pigs	each	0	3
Cavaire	per cwt.	0	2
Cement	per cwt.	0	1
Chairs, not mahogany	per dozen	2	0
Mahogany	per dozen	2	6
Chalk	per ton	0	2
Charcoal	per pack	0	1
Cheese	per cwt.	0	2
Chesnuts	per bushel	0	1
Chimney pots (earthenware)	each	0	1
China	per hogshead	1	6
"	per tierce	1	0
Chirt stones	per ton	0	6
Cocoa	per cwt.	0	3
Chocolate	per cwt.	0	3
Cider or perry	per hogshead	0	6
In bottles	per dozen	0	1
Cinnabar	per cwt.	0	9
Cinnamon	per cwt.	1	0
Citron preserves	per cwt.	0	4
Clay, pipe and potters	per ton	0	2
China	per ton	0	3
Cloth	packs not exceeding 1 cwt.	0	4
Linen or woollen, bale, pack, or truss	per cwt.	0	4
Cloths, linen, woollen, or cotton, in boxes	per foot	0	1
Clocks	per dozen	2	0
Wood	per dozen	1	0
Clog soles	per gross	0	6
Clover seed	per cwt.	0	3
Cloves	per cwt.	1	0
Coals (besides bushelage)	per ton	0	3
Cobalt	per ton	1	0
Ore	per ton	0	4
Coculus indicus	per cwt.	0	4
Cocoa nuts	per 100	0	2
Coffee	per cwt.	0	3
Colouring for potter	per barrel of 36 gallons	0	6
Columbo root	per 100	0	4
Copper	per cwt.	0	1
Ore	per ton	0	4
Furnaces	per twenty gallons	0	2

		s.	d.
Copperas, barrel or bag	per cwt.	0	2
Coral	per cwt.	2	0
Cordage	per cwt.	0	1
Cordials	per case of 1 dozen	0	1
"	per hogshead	1	0
Corks	per 10 gross	0	2
Cork	per cwt.	0	3
Corn, viz.:			
Wheat	per quarter	0	2
Barley	per quarter	0	1
Oats	per quarter	0	1
Flour	per sack of 280 pounds	0	2½
Ditto	per barrel	0	2
Bere and bigg	per quarter	0	2
Barley meal	per bag	0	2
Indian corn	per quarter	0	1
Ditto meal	per bag	0	1
Oatmeal	per bag	0	1
Beans and peas	per quarter	0	2
Rye	per quarter	0	1
Cotton, raw	per cwt.	0	3
Cradles	each	0	2
Crease, earthenware	per dozen	0	0½
Cranberries	per five gallons	0	1
Cream of tartar	per cwt.	0	4
Crystal	per box or package	0	6
Cubebs	per cwt.	0	6
Culm	per ton	0	3
Currants	per butt	1	6
Dates	per cwt.	0	3
Dogs, and other animals not enumerated	each	0	6
Down, eider	per cwt.	0	9
Drugs, in casks, hampers, or boxes	at per foot	0	1
Dyers stuff	per cwt.	0	4
Earth, black	per ton	1	0
Brown	per ton	1	0
Fullers	per ton	1	0
Red	per ton	1	0
Yellow	per ton	1	0
Earthenware, coarse, in bulk	per potters dozen	0	3
In crates	at per foot	0	0¼
Eggs	per gross of twelve dozen	0	1
Emery	per cwt.	0	2
Stones	per cwt.	0	1
Empty bags and sacks (not returned)	per cwt.	0	2
Epsom salts	per cwt.	0	2
Essence of lemons and limes	per hundred pounds	2	0
Essential oils	per cwt.	0	9
Euphorbium	per cwt.	0	4
Feathers	per cwt.	0	6
Felt	per cwt.	0	1
Figs	per cwt.	0	2
Filtering stones	each	0	1
Fish, fresh	per cwt.	0	1
Pilchards, cured	per hogshead	0	3
Herrings, cured	per barrel	0	4
other cured fish (not before specified)	per cwt.	0	1
Flag stones	per hundred feet	1	2

		s.	d.
Flax, rough	per ton	1	8
	per dozen hanks	0	1
Floor cloth	per cwt.	0	4
Flower roots, plants, or trees, in packages	at per foot	0	1
Free stones	per ton	1	2
Fruit, green, or dry	per cwt.	0	1
Furniture, household, cases	at per cubic foot	0	1
Fuel, patent	per ton	0	4
Flock	per bag	0	3
Galbanum	per cwt.	0	4
Guano	per ton	1	0
Gallangal	per cwt.	0	4
Galls	per cwt.	0	4
Gates, iron or wood	each	0	2
Gentian root	per cwt.	0	4
Ginger	per cwt.	0	3
Gingerbread	per box	0	4
Ginseng	per cwt.	0	4
Glass	per crib, slide, or case	0	6
Glauber salts	per cwt.	0	2
Glue	per cwt.	0	1
Grapes	per barrel or per jar	0	2
	per half barrel or box	0	1
Granite	per ton	0	2
Grates or stoves	per foot	0	2
Gravel or sand	per ton	0	2
Grease or greaves	per cwt.	0	1
Groats	per cwt.	0	2
Gums	per cwt.	0	4
Gunpowder	per 100 lbs.	0	3
Haberdashery and hosiery in bales	per cwt.	0	4
Ditto ditto in boxes	per foot	0	1
Hair, tanners	per cwt.	0	2½
Bull, cow, ox, goat, and horse	per cwt.	0	3
Hams	per cwt.	0	2
Hanks for sails	per dozen	0	0½
Hardware	per cwt.	0	2
Harrows	each	0	4
Hats	per box, per foot	0	1
Hay	per load or ton	0	6
Hay rakes	per dozen	0	2
Hemp	per ton	1	8
Hides, wet or dry	for every 100 in number	3	6
Hide fleshings	per cwt.	0	2½
Roundings or glue pieces	per cwt.	0	2½
Honey	per gallon	0	1
Hoofs	per cwt.	0	1
Hoops for mast, or white hoops	per dozen	0	1
per load	per load	1	0
Hops	per bag	1	0
	per pocket	0	6
	per end	0	3
Horns, ox and cow, each	per 100	0	4
Hurdles	per dozen	0	2
Indigo	per cwt.	1	6
Iron	per ton	1	0
Iron hoops	per cwt.	0	1
Iron horseshoes	per cwt.	0	1

		s.	d.
Iron Ploughshares	per cwt.	0	1
Stamp heads	per ton	1	0
Furnaces	at per 20 gallons	0	1
(Cast) hollow ware	per cwt.	0	3
Ore	per ton	0	4
Wire and nail rods	per cwt.	0	1
Irons, Bakers, and Pudding Pans	per cwt.	0	1
Patten	per gross	0	6
Isinglass	per cwt.	0	6
Ivory	per cwt.	1	0
Black	per cwt.	0	1
Jack screws	per pair	0	6
or fishing lines	per dozen	0	1
Junk or old rope	per cwt.	0	1
Kelp	per ton	0	6
Lac, gum, stick, seed, and shell	per cwt.	0	4
Ladles	per gross	0	6
Lamp black	per cwt.	0	4
Lanthorns, horn or glass	per dozen	0	1
Lard	per cwt.	0	2
Laths, per 1,000 of 4 feet, and other lengths in proportion		0	4
Lead ore	per ton	0	4
Lead, pigs of	per ton	1	0
Sheet	per cwt.	0	1
Leather, tanned	per cwt.	0	2
wrought	per cwt.	0	3
Lemons	per chest	0	4
	per box	0	2
Lemon, lime, and orange juice	per hogshead	1	0
Lime, burnt	per ton	0	6
Limestone	per ton	0	2
Linen or woollen rags	per cwt.	0	1
Cloth	per cwt.	0	4
Lint cloth, not in bales	per piece	0	3
Liquor, in bottles	per case or box	0	6
Logwood, logwood chips	per cwt.	0	3
Maccaroni	per cwt.	0	4
Mace	per cwt.	1	0
Machinery, steam and other iron engines, and parts of the same	per cwt.	0	1
Ditto, foundation plates, bobs, and pumps for engines	per cwt.	0	1
Ditto, wood and iron mixed	per foot	0	1
Madder and madder roots	per cwt.	0	4
Malt	per quarter	0	2
Manganese	per ton	0	4
Manure (not enumerated)	per ton	0	2
Mats	per dozen	0	1
Maunds or hampers, empty, imported	per dozen	0	1
Melting pots	per dozen	0	1
Millboards	per 120 boards	0	6
Millinery	per foot	0	1
Mops and brushes	per dozen	0	3
Mother-of-pearl shell	per cwt.	0	4
Mundic	per ton	0	2
Munjeet	per cwt.	0	4
Muriate of lime, potash, and soda, each	per cwt.	0	1
Musical instruments	per foot	0	1
Muskets	per dozen	0	6

		s.	d.
Mustard	per firkin of 72 lbs.	0	3
,,	per firkin of 36 lbs.	0	2
Nails	per cwt.	0	1
Natron	per ton	1	8
Nests of trunks	per foot	0	1
Nutmegs	per cwt.	1	0
Nuts, French	per Winchester bushel	0	1
Nux vomica	per cwt.	0	4
Oakum	per cwt.	0	1
Oars	per dozen	0	3
Ochre	per cwt.	0	1
Oil, large cans for lighthouses containing 30 gallons, and so in proportion		1	0
Oil, castor	per cwt.	0	4
sperm	per hogshead	1	0
pilchard	per ton	1	0
sweet and lamp, and all oils not enumerated	per hogshead	0	10
in flasks	per chest	0	4
	per half chest	0	2
Oil cake	per ton	1	0
Olives	per barrel	0	2
	per jar	0	1
Onions	per cwt.	0	1
Oranges	per box	0	2
	per chest	0	4
Orange and lemon peel, and buds	per cwt.	0	3
Orchilla weed	per cwt.	0	4
Ox bows	per dozen	0	2
Paints and painters' colours	per cwt.	0	2
Paintings, pictures, and pier glasses	per foot	0	3
Pans, warming	per dozen	0	3
brass	per cwt.	0	6
Paper, stationers	per cwt.	0	4
common	per cwt.	0	1½
Pattens, wood	per gross	0	6
Pepper	per cwt.	0	3
Pewter	per cwt.	0	2
Phials, in packages	per foot	0	1
Pick hilts	per gross	1	0
Pickles	per dozen bottles	0	1
Pimento	per bag of 100 lbs.	0	3
Pins	per cwt.	0	4
Pipes for smoking	per hogshead	1	0
	per box or barrel	0	6
Plaister of Paris	per cwt.	0	1
Ploughs	each	0	6
Plums	per cwt.	0	3
Potatoes	per bushel of 2 cwt.	0	1
Potash	per cwt.	0	1
Powder, hair	per cwt.	0	2
Preserves	per cwt.	0	4
Prunes	per cwt.	0	2
Pumice stone	per ton	0	1
Puncheons empty, and pipes not returned	each	0	2
Quern stones	each	0	6
Quicksilver	per case or package	0	6
Quills, stationers	per 1,000	0	2
miners	per cwt.	0	9

		s.	d
Raisins and figs	per cwt.	0	2
Rape seed	per quarter	0	4
Rice	per tierce of 4 cwt.	0	8
Rope, coil	per cwt.	0	1
under a hundredweight in proportion.			
Yarn	per cwt.	0	1
Rum	per puncheon, and so in proportion	2	0
Rye grass seeds	per bushel of 24 gallons	0	1
Sago	per cwt.	0	2
Sails	per cwt.	0	4
Sal gem rock salt	per ton	0	6
Salt, fine	per ton	0	4
coarse, for curing fish	per ton	0	3
Saltpetre	per cwt.	0	2
Scythe stones	per 100	0	3
Scythes	per dozen	0	2
Scuttles, coal, copper, or tinplate	per dozen	0	3
Scoops, boat	per dozen	0	1
Fish	per dozen	0	2
Malt	per dozen	0	3
Seed, garden, or agricultural grass seeds	per cwt.	0	3
Segars	per cwt.	0	6
Shakes, not returned, per hogshead, and so in proportion		0	2
Shot, bird	per cwt.	0	3
Shovel handles	per dozen	0	1
Shumac	per cwt.	0	2
Sieves	per dozen	0	3
Silk, raw	per cwt.	1	0
Thrown	per cwt.	2	0
Waste	per cwt.	0	6
Manufactured	per foot on package	0	2
Skins, badger, bear, beaver, deer, elk, ermine, fisher, fox, leopard, lion, martin, otter, panther, seal, tiger	per score	1	0
Horse	per score	0	3
Calf	per score	0	3
Sheep and kid	per dozen	0	3
Cat, chinchilli, mink, raccoon, seal, (hair)	per score	0	6
Goat, fitch, musk-quash, neutria, swan	per score	0	3
Coney, hare, mole	per score	0	1
Slabs, marble	per ton	1	0
Slates, writing	per gross	0	3
Rags	per dozen	0	0½
Scantle	per 1,000	0	3
Common helling	per 1,000	0	2
Slate, earth or tombstones	per foot	0	0¼
Snuff	per cwt.	0	4
Soap	per cwt.	0	2
Soda, sal	per ton	1	0
Soda water	per dozen	0	2
Solder and spelter	per cwt.	0	1½
Spades, garden	per dozen	0	6
Spars. *See* Timber.			
Spermaceti	per cwt.	0	4
Spokes for wheels	per dozen	0	2
Naves, for wheels	per dozen	0	2
Sponge	per cwt.	1	0
per package	under quarter of cwt.	0	6
Stamp lifters	per dozen	0	6

		s.	d.
Starch	per cwt.	0	2
Steel	per cwt.	0	2
Stone, Caen, for millstones	per 100	3	6
Stones, grinding	per cwt.	0	1
not enumerated	per ton	1	0
Straw bonnets, in bales, cases, or casks, or otherwise	per foot	0	1
Plait ditto ditto	per foot	0	2
Succades and sweetmeats	per cwt.	0	4
Sugar, soft	per cwt.	0	1
refined, in barrels or bags	per cwt.	0	2
Candy	per box	0	2
refined	per hogshead	1	4
Sulphur	per cwt.	0	3
Talc	per cwt.	0	4
Tallow	per cwt.	0	1
Tanners poles	per cwt.	0	6
Tapioca	per cwt.	0	3
Tar, pitch, or rosin	per barrel	0	2
Tarras	per cwt.	0	1
Tea	per chest	1	6
	per quarter chest	0	6
	per box	0	3
Terra Japonica	per ton	2	0
Tessera	per barrel	0	2
Thrashing machines	each	2	6
Thrumbs	per cwt.	0	4
Tiles, pan	per score	0	1
Paving	per score	0	1
Malt kilns	per score	0	1
Timber, not enumerated	per load of fifty feet	0	6
Staves, pipe	per 120	0	6
Hogshead	per 120	0	2
Split or sawn staves	per 1,000	1	0
Spars, under 4 inches	per dozen	0	4
under 6 inches	per dozen	0	8
under 8 inches	per dozen	1	0
Mast pieces, under 12 inches	each	0	3
Treenails or trunnels	per 1,000	0	3
Ufers, under 24 feet	per 100	1	0
above 24 feet	per 100	1	6
Wainscot boards	per 100	1	6
Handspikes	per 100	0	6
Lathwood	per fathom	1	0
Lignum vitæ	per cwt.	0	1
Tin, in blocks, ingots, or barrels	per ton	1	0
Tin ore	per ton	0	8
Plate	per box	0	2
Tobacco	per cwt.	0	3
Tongues	per dozen	0	1
Tortoiseshell	per cwt.	1	0
Tow	per ton	1	8
Toys in boxes	per foot	0	1
Treacle or molasses	per puncheon	0	10
Ditto	per half puncheon	0	5
Ditto	per small cask	0	3
Trees for saddles	per dozen	0	3
Trenchers	per gross	0	2
Trucks	each	0	3

		s.	d.
Trundle sticks	per 1,000	0	3
Turnips	per ton	1	0
Turpentine	per cwt.	0	6
Twine or netting	per cwt.	0	3
Types	per cwt.	0	6
Valonia	per ton	2	0
Varnish	per barrel	0	6
Vegetables, shipped	per cwt.	0	1
Venice turpentine	per cwt.	0	4
Verdigris	per cwt.	0	1
Vermicelli	per cwt.	0	6
Vinegar	per pipe	1	0
Ditto	per hogshead	0	6
Ditto	per firkin	0	3
Waste, Braziers, Buttonmakers, Furriers, Soapers, Tanners, Vitriol, Sugar bakers	per cwt.	0	1
Wax	per cwt.	0	2
Whalebone fins	per cwt.	0	4
Ditto ditto	per 12 lbs.	0	2
Wheelbarrows	each	0	4
Whetstones	per gross	0	2
Whip sticks	per bundle	0	1
Whiskey	per puncheon	2	0
Whiting	per cwt.	0	1
Wick yarn, pack	per cwt.	0	3
Wine, foreign	per pipe, all sorts	2	0
British	per pipe	1	6
or strong waters	per hogshead	1	0
	per barrel	0	6
British	per hogshead	0	9
	per firkin	0	3
and liquors in bottles	per dozen	0	2
Winnowing machines	each	2	6
Wool, packs of British	per cwt.	0	3
Spanish, and all other	per cwt.	0	6
Worsted yarn	per cwt.	0	2
Yams	per package	0	2
Zaffree	per cwt.	0	4
Zedoary	per cwt.	0	4

And all other goods and merchandise not herein enumerated five per centum on the amount of the freight thereof.

III.—Rates on Pilchards.

Pilchards caught by means of boats using the harbour, whether landed within the harbour or not, and cured within the municipal borough of Saint Ives, for every hogshead	0	6
Pilchards caught by means of boats using the harbour, whether landed within the harbour or not, but not cured within the said municipal borough, for every three thousand fish	0	6

TOBERMORY.

Provisional Order of the Board of Trade for the Construction, Maintenance, and Regulation of a Pier at Tobermory in the Island of Mull and County of Argyll.

Preamble.

Whereas, under The General Pier and Harbour Act, 1861, Frederick William Caldwell, of Mishnish, in the Island of Mull and County of Argyll, made application by a memorial to the Lords of the Committee of Her Majesty's Most Honourable Privy Council appointed for the consideration of matters relating to Trade and Foreign Plantations, herein-after called the Board of Trade, praying that a Provisional Order might be granted to authorize and empower him, his heirs and assigns, (among other things) to construct and maintain a pier at Tobermory in the Island and County aforesaid, to be called Mishnish Pier, and to levy and recover the rates in the memorial referred to:

And whereas the estimated expenditure on the proposed works is One thousand and four hundred pounds and no more:

And whereas, within the time in the said Act limited in this behalf, the promoter deposited copies of the said memorial and of the plans, sections, and working drawings of the proposed works in the office at Inveraray of the Principal Sheriff-Clerk of the County of Argyll, and notice of such deposit was published according to the requirements of the said Act:

And whereas the promoter deposited at the Admiralty Office copies of the said memorial, plans, sections, and working drawings, and on his application the Lords of the Admiralty have given their sanction to the proposed works;

And whereas the promoter prepared a schedule of rates to be levied at the proposed works, and published the same according to the requirements of the said Act, and deposited a printed copy thereof in the office of the said Principal Sheriff-Clerk, and transmitted a copy thereof to the Board of Trade, and therewith a statement showing the probable or estimated amount of the rates to be levied at the proposed works, and the estimated amount proposed to be expended on the works:

And whereas the Board of Trade, at the time in the said Act appointed in this behalf, took the said schedule and statement into consideration, and made such inquiries and obtained such further information in reference to the several matters therein set forth as they deemed expedient:

And whereas the said schedule was prepared, published, deposited, and transmitted as aforesaid, before the passing of The General Pier and Harbour Act, 1861, Amendment Act:

And whereas it appears to the Board of Trade to be expedient that the same should be authorized by a Provisional Order, and accordingly the Board of Trade have finally adjusted and fixed the schedule of rates hereto annexed, such rates not exceeding the rates specified in the schedule so prepared, published, deposited, and transmitted as aforesaid:

And whereas the consent in writing of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues to the making of this Provisional Order has been obtained:

And whereas the Board of Trade, after making such inquiries as they have thought expedient, have settled this present Provisional Order, and intend to cause a Bill to be introduced into Parliament for the purpose of obtaining an Act

Act for the confirmation of this Provisional Order (until which confirmation this Provisional Order will not be of any validity or force whatever):

Now, therefore, the Board of Trade do, by this their Provisional Order, in pursuance of The General Pier and Harbour Act, 1861, and The General Pier and Harbour Act, 1861, Amendment Act, and by virtue and in exercise of the powers thereby respectively in them vested, and of every other power enabling them in this behalf, Order,—

That, from and immediately after the passing of an Act of Parliament confirming this Provisional Order, the following provisions shall take effect and be in force:—

1. The said Frederick William Caldwell, his heirs and assigns, shall be the undertakers of the works authorized by this Order. **Undertakers.**

2. Subject to the provisions of this Order, the undertakers may, in the lines and according to the levels and within the limits of deviation shown on the deposited plans and sections, make and maintain the works shown on the deposited plans. **Works.**

3. The works authorized by this Order comprise the following:— **Description of Pier.**

A pier or jetty, 100 feet in length, or thereabouts, extending in a south-easterly direction from the end of a roadway or approach to be constructed along the northern shore of Tobermory Bay, such roadway or approach running for 160 feet or thereabouts in a south-easterly direction from the termination of the present roadway.

4. The undertakers shall not construct any work on any part of the shore or bed of the sea below high-water mark without the previous consent of Her Majesty, Her heirs and successors, signified in writing under the hand of one of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, and then only according to such plan and under such restrictions and regulations as the said Commissioners, or one of them, approve of, such approval being signified as last aforesaid. After any such work is constructed with such consent as aforesaid, the undertakers shall not alter or extend the same without first obtaining the like consent and approval. If any work be commenced, constructed, altered, or extended, contrary to this provision, the said Commissioners may, at the expense of the undertakers, abate and remove it, or any part of it, and restore the site thereof to its former condition. The amount of such expense shall be a debt due to the Crown from the undertakers, and shall be recoverable as such, with costs, or the same may be recovered with costs as a penalty is recoverable from the undertakers. **Consent of Commissioners of Woods and Forests.**

5. The undertakers may demand and receive in respect of the vessels, goods, persons, and things in the Schedule hereto described, any sums not exceeding the rates in that Schedule specified. **Rates according to Schedule to this Order.**

6. Officers of Customs being in the execution of their duty, shall at all times have free ingress, passage, and egress, on, into, along, from, and out of the pier by land, and with their vessels, and otherwise, without payment. **Custom House Officers exempt from rates.**

7. The following provisions of The Harbours Docks and Piers Clauses Act, 1847, shall not be incorporated with this Order, namely, sections 16, 17, 18, 19, 49, and 50. **Parts of Harbours Clauses Act excepted.**

8. The undertakers may borrow on mortgage or bond at interest, such sums of money as may be required for the purposes of the works authorized by this Order, not exceeding in the whole the sum of 1,400*l.* They shall regularly keep down the interest accruing on the money so borrowed, and shall not allow such **Borrowing.**

such interest to accumulate, and shall repay the money borrowed within 50 years from the time of borrowing.

Application of rates.

9. The rates received under this Order shall be applicable for the purposes and in the order following, and not otherwise:—

(1.) In the maintenance of the works authorized by this Order:

(2.) In payment of the interest accruing on any money borrowed under the authority of this Order, and in repayment of the principal of such money:

(3.) To the proper use of the undertakers.

Short Title.

10. This Order may be cited as The Mishnish Pier, Tobermory, Order, 1862.

Board of Trade, Whitehall.

Dated this 19th day of May 1862.

(Signed) T. H. Farrer,
Assistant Secretary.

SCHEDULE.

I.—Rates on Vessels using the Pier.

		s.	d.
For every decked or partly decked vessel:—			
Under the burden of twenty tons	per ton	0	4
Of the burden of twenty tons and not exceeding one hundred tons	per ton	0	6
Of the burden of one hundred tons and upwards	per ton	0	10

II.—Rates on Herring Boats, &c.

For every herring boat, and every undecked boat coming to the pier with herrings or fresh fish, or landing or taking on board goods or dried or salted fish, each		0	4

III.—Rates on Passengers.

For every person landing from or embarking in any vessel at the pier		0	3

IV.—Rates on Animals and Goods shipped or unshipped at the Pier.

Ale, beer, or porter	per hogshead	0	4
Bark, in bulk	per ton	1	0
Beef, fresh or salted, or other provisions	per barrel	0	2
Bones	per ton	0	6
Bone dust	per ton	0	8
Bricks	per 1,000	0	8
Butter	per cwt.	0	2
Carriages with four wheels	each	0	8
Carriages with two wheels	each	0	6
Cattle, viz.:—			
Bulls	each	0	3
Cows and oxen	each	0	2
Calves	each	0	0½
Horses, asses, and mules	each	0	2
Pigs	each	0	0½
Sheep	per score	0	6
Lambs	per score	0	3
Chalk	per ton	0	8
Cheese	per cwt.	0	6

		s.	d.
Cloth, haberdashery, &c.	per barrel bulk	0	2
Coach or cart wheeels	per pair	0	3
Coal	per ton	0	3
Copper	per ton	1	4
Cordage	per ton	5	0
Dogs (sporting only)	each	0	2
Earthenware	per crate	0	8
Eggs	per barrel bulk	0	2
Empty barrels	each	0	0½
Fish, salted or dry	per barrel bulk	0	2
Flax	per ton	1	4
Flour	per sack	0	2
Ditto	per barrel	0	1½
Fowls and ducks, live	per dozen	0	2
Geese and turkeys, live	each	0	1
Glass	per barrel bulk	0	3
Grain, viz., wheat and malt	per quarter	0	3
Barley, bear, pease, beans, oats, and all other descriptions of grain	per quarter	0	2
Grease	per cwt.	0	2
Groceries	per barrel bulk	0	3
Guano and artificial manures	per ton	0	8
Hardware	per barrel bulk	0	3
Hay	per ton	0	8
Hemp and cotton, unwrought	per ton	1	4
Herrings, fresh	per cran	0	1
Ditto, cured	per barrel	0	3
Hides	per ton	1	4
Iron, pig or old	per ton	0	8
Ditto, bar, bolt, or rod	per ton	1	4
Kelp	per ton	0	8
Lathwood	per fathom	2	6
Lead of all kinds, and zinc	per ton	1	4
Leather	per ton	1	4
Lime	per chaldron	1	4
Limestone	per ton	0	3
Machinery	per ton	1	4
Manure	per ton	0	2
Meal and flour	per bag of 280 lbs.	0	2
Milk	per 3 large pitchers	0	0½
Millstones	each	0	8
Oakum	per ton	2	6
Oil	per tun	1	0
Oil-cake	per ton	1	0
Peats	per ton	0	3
Potatoes	per ton	0	6
Poultry, including pigeons, game, and other birds	per dozen	0	1
Ropes and rags (old)	per ton	0	10
Salt	per ton	0	10
Sand	per ton	0	3
Seeds	per 8 bushels	0	2
Slates, under size	per 1,000	0	6
Ditto, sizeable	per 1,000	0	10
Ditto, over size	per 1,000	1	4
Soda water or lemonade	per gross of 144 bottles	1	0
Spirits	per hogshead of 56 gallons	0	8
Stones, paving or dressed	per ton	0	4
Ditto, others	per ton	0	3

		s.	d.
Stucco	per ton	0	6
Sugar	per ton	1	4
Tallow	per ton	1	4
Tar	per barrel	0	2
Tea	per chest	0	3
Tiles or pipes for draining	per 1,000	0	8
Ditto, roofing	per 1,000	0	9
Timber, unwrought, of all kinds	per load of 50 cubic feet	0	10
Wine in cask	per hogshead	0	8
Ditto in bottle	per barrel bulk	0	4
Wool	per cwt.	0	2
Yarn	per ton	1	4

All other unenumerated articles to pay at landing or shipping :—

If by measurement	per barrel bulk	0	2
If by weight	per ton	1	4

Articles which can be measured to pay by barrel bulk, all others by weight.

In charging the rates on goods, the gross weight or measurement of all goods to be taken, and for any less weights, measures, and quantities than those above specified, a proportion of the respective rate shall be charged.

Five cubic feet, not exceeding two and a half hundredweight, to be rated as a barrel bulk; but when the weight of five cubic feet is greater than two and a half hundredweight, then two and a half hundredweight to be rated as a barrel bulk.

V.—Rates for the Use of Sheds, Cranes, and Weighing Machines.

1.—*Sheds.*

For each ton of goods of 8 barrels bulk, or for each ton of goods of 20 cwt., which shall remain in any shed or on the Pier for a longer time than 48 hours, the sum of *3d.*; and the sum of one *1½d.* per ton for each day during which such goods shall remain after the first 48 hours.

2.—*Cranes.*

	s.	d.
All goods or packages not exceeding one ton	0	3
Exceeding one ton and not exceeding two tons	0	4
Exceeding two tons and not exceeding three tons	0	6
Exceeding three tons and not exceeding four tons	0	8
Exceeding four tons and not exceeding five tons	0	10
Exceeding five tons and not exceeding six tons	1	0
Exceeding six tons and not exceeding seven tons	1	2
Exceeding seven tons and not exceeding eight tons	1	4
Exceeding eight tons and not exceeding nine tons	1	8
Exceeding nine tons and not exceeding ten tons	2	0
Exceeding ten tons	3	0

3.—*Weighing Machines.*

or goods weighed, *1d.* for each ton or part of a ton.

HASTINGS.

Provisional Order of the Board of Trade for the Construction, Maintenance, and Regulation of a Pier and Harbour at Hastings in the County of Sussex.

Whereas, under The General Pier and Harbour Act, 1861, the promoters of the Hastings Pier and Harbour made application by a memorial to the Lords of the Committee of Her Majesty's Most Honourable Privy Council appointed for the consideration of matters relating to Trade and Foreign Plantations, herein-after called the Board of Trade, setting forth the necessity of a Pier and Harbour at Hastings in the County of Sussex, and praying their Lordships to approve of the project thus submitted, and to grant a Provisional Order for its execution, containing powers and privileges for the complete execution of the works, and for the levying of rates and tolls, not exceeding those in the memorial referred to, and also for the incorporation of a Company, with power to transfer the execution of the proposed works to the Mayor and Corporation of Hastings: Preamble.

And whereas the estimated expenditure on the proposed works is seventy-five thousand pounds and no more:

And whereas, within the time in the said Act limited in this behalf, the promoters deposited copies of the said memorial and of the plans, sections, and working drawings of the proposed works at the office of the Clerk of the Peace for the County of Sussex, and notice of such deposit was published according to the requirements of the said Act:

And whereas the promoters deposited at the Admiralty Office copies of the said memorial, plans, sections, and working drawings, and on the application of the promoters the Lords of the Admiralty have given their sanction to the proposed works:

And whereas the promoters prepared a schedule of rates to be levied at the proposed works, and published the same, according to the requirements of the said Act, and deposited a printed copy thereof at the office of the said Clerk of the Peace, and transmitted a copy thereof to the Board of Trade, and therewith a statement showing the probable or estimated amount of the rates to be levied at the proposed works, and also the estimated amount proposed to be expended on the works:

And whereas certain objections to the said schedule were forwarded in writing to the Board of Trade, within the time in the said Act limited in this behalf:

And whereas the Board of Trade, at the time in the said Act appointed in this behalf, took the said schedule and statement into consideration, and made such inquiries and obtained such further information in reference to the several matters therein set forth and to the objections aforesaid as they deemed expedient:

And whereas the said schedule was prepared, published, deposited, and transmitted as aforesaid before the passing of The General Pier and Harbour Act, 1861, Amendment Act:

And whereas it appears to the Board of Trade to be expedient that the same, as modified on the objections aforesaid, and with the omission of part thereof, should be authorized by a Provisional Order, and accordingly the Board of

of Trade have finally adjusted and fixed the schedule of rates hereto annexed, such rates not exceeding the rates specified in the schedule so prepared, published, deposited, and transmitted, and so modified as aforesaid:

And whereas the consent in writing of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues to the making of this Provisional Order has been obtained:

And whereas the Board of Trade, after making such inquiries as they have thought expedient, have settled this present Provisional Order, and intend to cause a Bill to be introduced into Parliament for the purpose of obtaining an Act for the confirmation of this Provisional Order (until which confirmation this Provisional Order will not be of any validity or force whatever):

Now, therefore, the Board of Trade do by this their Provisional Order, in pursuance of The General Pier and Harbour Act, 1861, and The General Pier and Harbour Act, 1861, Amendment Act, and by virtue and in exercise of the powers thereby respectively in them vested, and of every other power enabling them in this behalf, Order,—

That, from and immediately after the passing of an Act of Parliament confirming this Provisional Order, the following provisions shall take effect and be in force:—

Hastings Pier and Harbour Company.

Incorporation of Company.

1. The following persons, namely,—The Honourable William Henry Yelverton, Charles Appleyard, William Browne, and Henry Aldridge Parry,—and all other persons and corporations who have subscribed or shall subscribe to the undertaking by this Order authorized, and their executors, administrators, successors, and assigns respectively, shall be and are hereby united into a company for the purpose of making and maintaining the Pier and Harbour and works by this Order authorized, and for the other purposes of this Order; and for those purposes shall be and are hereby incorporated by the name of The Hastings Pier and Harbour Company; and by that name shall be one body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of, lands and other property, for the purposes, but subject to the restrictions, of this Order.

The undertakers.

2. The Hastings Pier and Harbour Company, herein-after called the Company, shall be the undertakers of the works authorized by this Order.

Companies Clauses Act incorporated.

3. The Companies Clauses Consolidation Act, 1845, shall be incorporated with this Order.

Capital.

4. The capital of the Company shall be 80,000*l.* in 16,000 shares of 5*l.* each.

Calls.

5. No call shall exceed 2*l.* per share; successive calls shall not be made at a less interval than three months.

Borrowing.

6. The Company may borrow on mortgage or bond, at interest, such sums of money as may be required for the purposes of the works authorized by this Order; but no money shall be so borrowed until the whole of the capital of 80,000*l.* is subscribed for or taken, and until one half thereof is paid up, and until the Company prove to the Justice who is to certify under The Companies Clauses Consolidation Act, 1845, section 40, before he so certifies, that all such capital has been subscribed for *bonâ fide*, and is held by subscribers or their assigns, and for which such subscribers or their assigns are legally liable.

7. The

7. The mortgagees of the Company may enforce the payment of the arrears of interest, or of the arrears of principal and interest, due on their respective mortgages, by the appointment of a receiver. The amount to authorize a requisition for a receiver shall be 1,000*l.* **Receiver.**

8. The Company shall not out of any money raised by calls or borrowing pay interest or dividend to any shareholder on the amount of calls made in respect of shares held by him; but this provision shall not prevent the Company paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the provisions of The Companies Clauses Consolidation Act, 1845. **No interest or dividend on calls.**

9. The Company shall not out of any money so raised pay or deposit any money that may be required to be paid or deposited in relation to any application to Parliament or the Board of Trade. **Money not to be used for deposit under Standing Orders, &c.**

10. Every part of the money so raised shall be applied only for purposes by this Order authorized. **Money to be applied to purposes of Order.**

11. The first general meeting of the Company shall be held within three months after the passing of an Act of Parliament confirming this Order. **First general meeting.**

12. The number of Directors shall be five, with power to the Company to reduce the number, but not below three. **Number of Directors.**

13. The quorum of a meeting of Directors shall be three, unless and until the number of Directors be reduced to three, when the quorum shall be two. **Quorum of Directors.**

14. The four persons herein-before named, and such other qualified person as the said four persons, or any two of them, shall nominate, shall be the first Directors. **First Directors.**

15. The qualification of a Director elected by the shareholders, or nominated as aforesaid, shall be the possession in his own right of 20 shares. **Qualification of Directors.**

Taking of Lands.

16. For the purposes of the works by this Order authorized, the Company may from time to time, by agreement, enter on, take, or use all or any part of the lands shown on the deposited plans as intended to be taken for the purposes of the proposed works. **Power to take specified lands by agreement.**

17. The Lands Clauses Consolidation Act, 1845, except with respect to the purchase and taking of lands otherwise than by agreement, and The Lands Clauses Consolidation Acts Amendment Act, 1860, shall be incorporated with this Order. **Lands Clauses Acts incorporated.**

Works.

18. Subject to the provisions of this Order, the Company may, on the lands taken by them under this Order, and in the lines and according to the levels and within the limits of deviation shown on the deposited plans and sections, make and maintain the works shown on the deposited plans. **Power to make works.**

19. The works by this Order authorized comprise the following:— **Description of Pier and Harbour.**

(1.) A pier, commencing from the site of the Old Fort on the west, and extending about 1,650 feet in a southerly direction, then taking a curve to the eastward, and running in an easterly direction for 1,230 feet:

(2.) A pier or breakwater, commencing about 1,200 feet eastward of the other, from the "Rock-a-Nore," and being carried to the extent of 1,650 feet in a line nearly parallel to the western pier.

Consent of Commissioners of Woods and Forests.

20. The Company shall not construct any work on any part of the shore or bed of the sea below high-water mark without the previous consent of Her Majesty, Her heirs and successors, signified in writing under the hand of one of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, and then only according to such plan and under such restrictions and regulations as the said Commissioners, or one of them, approve of, such approval being signified as last aforesaid. After any such work is constructed with such consent as aforesaid, the Company shall not alter or extend the same without first obtaining the like consent and approval. If any work be commenced, constructed, altered, or extended, contrary to this provision, the said Commissioners may, at the expense of the Company, abate and remove it or any part of it, and restore the site thereof to its former condition. The amount of such expense shall be a debt due to the Crown from the Company, and shall be recoverable as such, with costs, or the same may be recovered with costs as a penalty is recoverable from the Company.

Rates.

Power to take rates according to Schedule to this Order.

21. The Company may demand and receive in respect of the vessels, goods, persons and things in the Schedule hereto described, any sums not exceeding the rates in that Schedule specified.

Custom House Officers exempt from rates.

22. Officers of Customs being in the execution of their duty, shall at all times have free ingress, passage, and egress, on, into, along, through, and out of the Pier and Harbour, by land, and with their vessels, and otherwise, without payment.

General Provisions.

Lands for extraordinary purposes.

23. The Company shall not purchase for extraordinary purposes lands exceeding in extent in the whole two acres.

Meters and weighers.

24. The Company shall have the appointment of meters and weighers on and within the Pier and Harbour: subject to this restriction,—that so long as the Hastings Local Board of Health shall, under any powers given or to be given to them by any Act of Parliament, appoint a sufficient number of persons to be meters of coals within the Borough of Hastings, the Company shall from time to time appoint and license the same persons and no others to be meters of coals on and within the Pier and Harbour, and shall not levy any rate in respect of the weighing of coal.

Steam engines, diving bells, lighters, &c.

25. The Company may provide such steam-engines, steam-vessels, piling engines, diving bells, ballast lighters, rubbish lighters, and other machinery and vessels, as they may think necessary for effectuating any of the purposes of this Order; and may demand and receive such sums for the use of the same as they may think reasonable.

Pilotage, lights, buoys, and beacons.

26. The Company shall be a Pilotage Authority and a Local Authority within the meaning of The Merchant Shipping Act, 1854, with all the powers by that Act conferred on pilotage authorities and on local authorities.

Part V. of 24 & 25 Vict. c. 47. to apply.

27. Part V. of The Harbours and Passing Tolls, &c. Act, 1861, shall apply to the Pier and Harbour authorized by this Order.

Power to Company to transfer Pier and Harbour to Corporation of Borough on demand of Corporation.

28. If at any time after the passing of an Act confirming this Order, the Mayor, Aldermen, and Burgesses of the Borough of Hastings, by the Council of the Borough, shall express in writing under their Corporate Seal to the Company their desire to become the owners of the Pier and Harbour and works by this Order authorized, the Company may and shall, by deed under their Common

Common Seal, transfer to the Council the Pier and Harbour and works, or proposed Pier and Harbour and works; and thereupon the Council shall have (as far as may be) all the powers and rights by this Order granted to the Company in relation to the Pier and Harbour and works: Provided nevertheless as follows:—

(1.) No such deed of transfer shall have any effect unless and until the terms thereof are approved by the Board of Trade:

(2.) If the Company and the Council differ as to the terms of transfer, the difference shall be settled by an arbitrator appointed by the Board of Trade:

(3.) Nothing in this Order or in any such deed of transfer shall empower the Council to rate or otherwise involve the Borough of Hastings for or in respect of the construction or maintenance of the Pier and Harbour and works by this Order authorized.

29. This Order may be cited as The Hastings Pier and Harbour Order, 1862. Short Title.

Board of Trade, Whitehall.

Dated this 23rd day of May 1862.

(Signed) T. H. Farrer,
Assistant Secretary.

SCHEDULE.

I.—Rates on Vessels using the Pier or entering or using the Harbour

		s.	d.
For every vessel shipping or unshipping goods	per registered ton	0	9
For every other vessel	per registered ton	0	6
All lighters from any vessel in the roads shall be exempt from rates, but if the vessel do not use the Pier or enter the Harbour, every lighter shall pay for each trip	per ton	0	2
All boats entirely open, landing or taking on board goods, or dried or salted fish	each	0	6
All drave or large boats using the Pier or entering the Harbour with fresh fish	each	0	4

II.—Rates of Goods shipped or unshipped at the Pier or Harbour.

		s.	d.
Ale	per hogshead	0	6
Ale, bottled	per barrel bulk	0	3
Anchor	per cwt.	0	9
Anchor stock	per foot run	0	2
Bark	per ton	1	0
Bedding (seaman's)		0	3
Beef or pork	per ton	1	4
Beef or pork	per barrel	0	2
Blubber	per ton of 252 gallons	1	0
Bone dust	per ton	0	8
Bones of cattle	per ton	0	6
Bottles	per gross	0	2
Bricks	per 1,000	0	8
Butter	per barrel	0	4
Canvas sails	per barrel bulk	0	2
Casks, empty, not being returned packages	per puncheon	0	3

Other casks in proportion.

		s.	d.
Cattle:—			
Bulls	each	0	3
Cows and oxen	each	0	2
Calves	each	0	0½
Horses	each	0	2
Pigs	each	0	0½
Sheep	per score	0	6
Lambs	per score	0	3
Chalk	per ton	0	3
Cheese	per cwt.	0	4
Chimney cans	per 100	1	4
Clay, fire, manufactured	per ton	0	6
Clay, common	per ton	0	2
Cloth, haberdashery, &c.	per barrel bulk	0	2
Coaches:—			
Chaises, and other four-wheeled carriages	each	0	8
Gigs, carts, and other two-wheeled carriages	each	0	6
Coals, Scotch, English, smithy, and culm	per ton	0	3
Copper	per ton	1	4
Corks	per barrel bulk	0	2
Corn, viz.:—			
Wheat and malt	per quarter	0	3
Barley, beans, peas, tares, oats, rye, buckwheat, and Indian corn	per quarter	0	2
Crystal	per barrel bulk	0	2
Dissolved bones and other artificial manures	per ton	0	8
Dogs (sporting only)	each	0	2
Drugs	per barrel bulk	0	3
Earthenware	per crate	0	8
Eggs	per barrel bulk	0	2
Fish, dried and salted	per ton	1	4
Haddocks, cod, salmon, and all fresh fish not enumerated,	per barrel bulk	0	2
Flax	per ton	1	4
Flour	per sack	0	2
Flour	in barrel	0	1½
Fruit	per bushel or sieve	0	2
Glass	per barrel bulk	0	3
Groceries, viz.:—			
Almonds, figs, cinnamon, currants, pepper, pimento, plums, prunes, raisins, and the like	per barrel bulk	0	3
Guano	per ton	0	8
Gunpowder	per barrel	0	3
Hams, bacon, or tongues	per cwt.	0	3
Hardware	per barrel bulk	0	3
Hares and rabbits	per dozen	0	2
Any less quantity		0	1
Hay	per ton	0	8
Hemp	per ton	1	4
Herrings fresh	per cran	0	1
Ditto, cured	per barrel	0	3
Hides:—			
Ox, cow, or horse, salted or dried	per ton	1	4
Calf skins	per 120	0	10
Sheep skins	per 120	0	10
Lamb skins	per 120	0	5
Hoops of wood	per 1,500	1	0
Household furniture, new	per barrel bulk	0	1

		s.	d.
Household furniture belonging to parties changing their residences only	per 10 barrels bulk	0	6
Husbandry utensils	per ton	1	4
Ditto	per barrel bulk	0	2
Iron :—			
Bar, bolt, and rod	per ton	1	4
Pig and old	per ton	0	8
Chain cables	per ton	1	4
Manufactured, cast and wrought	per cwt.	0	2
Kelp	per ton	0	8
Lead of all kinds	per ton	1	4
Leather, tanned and dressed	per ton	1	4
Lime	per chaldron of 16 bolls	1	4
Limestone	per ton	0	3
Loam or moulding sand	per ton	0	3
Machinery	per ton	1	4
Machinery	per barrel bulk	0	3
Manure, street	per ton	0	2
Masts or spars, ten inches in diameter and upwards	each	4	6
Under ten inches	each	3	0
Meal	per bag of 280 lbs.	0	2
Meat, fresh	per ton	1	4
Meat, fresh	per barrel	0	2
Milk	per three large pitchers	0	0½
Musical instruments	per barrel bulk	0	3
Oils	per tun	1	0
Ores :—			
Copper, iron, lead, and other ores	per ton	0	8
Oysters	per bushel	0	3
Oysters	per firkin or smaller bushel	0	3
Passengers' luggage, not exceeding four barrels bulk, free.			
All above four barrels bulk	per barrel bulk	0	3
Peats	per ton	0	3
Pitch	per barrel	0	3
Porter	per hogshead	0	4
Porter, bottled	per barrel bulk	0	2
Potatoes	per ton	0	6
Poultry, including pigeons, game, &c.	per dozen	0	1
Any less quantity		0	0½
Rags, linen	per ton	1	4
Other rags, old rope, and the like	per ton	0	10
Rape cakes	per ton	0	8
Salt	per ton	0	10
Seeds, flax and rape	per hogshead	0	6
Flax	per barrel	0	3
Flax	per quarter	0	2
Clover	per ton	1	4
Seeds, garden	per ton	1	4
Hemp and canary	per ton	1	4
Rye grass	per 8 bushels	0	2
Shrimp baskets	each	0	2
Skins, seal	per 120	0	8
Slates	per ton	0	6
Spirits, foreign and British	per hogshead of 56 gallons	0	8
Stones, rubble	per ton of 16 cubic feet	0	2
Hewn ashlar freestone	per ton of 16 cubic feet	0	4
Rough ashlar freestone	per ton of 16 cubic feet	0	3

		s.	d.
Stones, pavement, not exceeding 3 inches thick	per 70 feet	0	4
Pavement, above 3 inches thick	per 16 cubic feet	0	4
Scythe stones	per score	0	1
Millstones	each	0	8
Steel	per ton	1	4
Sugar	per ton	1	4
Tallow	per ton	1	4
Tar	per barrel	0	2
Tea	per chest	0	3
Tiles, roofing	per 1,000	0	9
Tiles or pipes for draining	per 1,000	0	3
Tin of all kinds	per ton	1	4
Tobacco	per ton	2	6
Treenails under 2 feet in length	per 1,000	0	6
Treenails exceeding 2 feet in length	per 1,000	1	0
Turnips	per ton	0	6
Turpentine	per hogshead	0	8
Vegetables	per cartload	0	2
Vinegar	per hogshead	0	6
Vitriol	per carboy	0	2
Water	per ton	0	6
Whalebone	per ton	2	6
Wine	per hogshead	0	8
Wine, bottled	per barrel bulk	0	4
Wood:—			
Fir, pine, and other descriptions not enumerated	per load of 50 feet	0	10
Oak or wainscot	per load of 50 feet	1	0
Firewood	per fathom	0	6
Laths and lathwood	per fathom of 216 cubic feet	2	6
Handspokes	per 120	0	10
Oars	per 120	2	6
Spars under 22 feet in length, above 2½ and under 4 inches diameter	per 120	2	6
Spars, 2½ inches in diameter and under	per 120	1	4
Spars, 22 feet in length and upwards, and not exceeding 4 inches in diameter	per 120	6	6
Spars of all lengths, above 4 and under 6 inches in diameter	per 120	12	0
Spokes of wheels not exceeding 2 feet in length	per 120	0	4
Spokes of wheels exceeding 2 feet in length	per 120	0	6
Wedges	per 1,000	1	0
Pipe staves and others in proportion	per standard hundred	1	6
Lignum vitæ, fustic, logwood, mahogany, and rosewood	per ton	1	4
Wool	per cwt.	0	2
Yarn	per ton	1	4
Zinc	per ton	1	4

All other Goods not particularly enumerated above.

Light goods	per barrel bulk	0	2
Heavy goods	per ton	1	4

In charging the rates on goods the gross weight or measurement of all goods to be taken; and for any less weights, measures, and quantities than those above specified, a proportion of the respective rates shall be charged.

Five cubic feet, not exceeding 2½ cwt., to be rated as a barrel bulk; but when the weight of five cubic feet is greater than 2½ cwt. then 2½ cwt. to be rated as a barrel bulk.

III.—Rates for the Use of Cranes, Weighing Machines, and Sheds.

1st. Rates of Craneage.

	s.	d.
All goods or packages not exceeding one ton	0	3
Exceeding one ton, and not exceeding two tons	0	4
Exceeding two tons, and not exceeding three tons	0	6
Exceeding three tons, and not exceeding four tons	0	8
Exceeding four tons, and not exceeding five tons	0	10
Exceeding five tons, and not exceeding six tons	1	0
Exceeding six tons, and not exceeding seven tons	1	2
Exceeding seven tons, and not exceeding eight tons	1	4
Exceeding eight tons, and not exceeding nine tons	1	8
Exceeding nine tons, and not exceeding ten tons	2	0
Exceeding ten tons	3	0

2nd. Weighing Machines.

For goods weighed, *1d.* for each ton, or part of a ton.

3rd. Shed Dues.

For each ton of goods of 8 barrels bulk, or for each ton of goods of 20 cwt. which shall remain in the sheds or other works of the Pier, or on the quays of the Harbour, for a longer time than 48 hours, the sum of *3d.*; and the sum of *1½d.* per ton for each day during which such goods shall remain after the first 48 hours.

And for every portmanteau, trunk, parcel, or any other article of passengers luggage, for each day or part of a day - per package 0 2

IV.—Rates on Passengers landing on or embarking from the Pier.

	£	s.	d.
For every passenger or other person who shall land on the said Pier from, or embark from it on board of any ship, vessel, packet, or passage boat, not being boats or vessels used for pleasure only, for each and every time, any sum not exceeding	0	0	2
For every person who shall land on the said Pier from, or embark from it on board of any boat or vessel used for pleasure only, for each and every time, any sum not exceeding	0	0	6
For every person who shall use the said Pier for the purpose of walking for exercise, pleasure, or any other purpose, except for embarking or disembarking, for each and every time, any sum not exceeding	0	0	2
For every master of any vessel, boat, or wherry, being an inhabitant of the town of Hastings, or sending men on and using the said Pier and other works, for the purpose of going on or returning from their own vessels, boat, or wherry, an annual sum not exceeding	1	0	0

Pier and Harbour Orders Confirmation.

A

B I L L

For confirming certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act, 1861, and the General Pier and Harbour Act, 1861, Amendment Act, relating to Carrickfergus, Deal, Oban, Saint Ives, Tobermory, and Hastings.

(*Prepared and brought in by Mr. Massey, Mr. Milner Gibson, and Mr. Hutt.*)

Ordered, by The House of Commons, *to be Printed,* 18 *June* 1862.

[Bill 156.]

Under 6 *oz.*

A

BILL

[AS AMENDED IN COMMITTEE]

FOR

Confirming, with Amendments, certain Provisional Orders made by the Board of Trade under The General Pier and Harbour Act, 1861, and The General Pier and Harbour Act, 1861, Amendment Act, relating to Carrickfergus, Deal, Oban, Saint Ives, Tobermory, and Hastings.

Preamble.

WHEREAS a Provisional Order made by the Board of Trade under The General Pier and Harbour Act, 1861, and The General Pier and Harbour Act, 1861, Amendment Act, is not of any Validity or Force whatever until the Confirmation thereof by Act of Parliament: And whereas it is expedient that the several Provisional Orders made by the Board of Trade under the said Acts and set out in the Schedule hereto should be confirmed, with Amendments, by Act of Parliament: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Orders in Schedule confirmed.

1. The several Provisional Orders set out in the Schedule hereto shall be and are hereby confirmed.

Short Title.

2. This Act may be cited as The Pier and Harbour Orders Confirmation Act, 1862.

The SCHEDULE of Provisional Orders.

1. CARRICKFERGUS.—Improvement of the Harbour.
2. DEAL.—Construction of a Pier.
3. OBAN.—Improvement of the Harbour.
4. SAINT IVES.—Improvement of the Harbour.
5. TOBERMORY.—Construction of a Pier.
6. HASTINGS.—Construction of a Pier.

CARRICKFERGUS.

Provisional Order of the Board of Trade for the Improvement, Maintenance, and Regulation of the Harbour of Carrickfergus in the County of the Town of Carrickfergus.

Preamble. Whereas, under The General Pier and Harbour Act, 1861, the Municipal Commissioners of the Borough of Carrickfergus, as owners of the Port of Carrickfergus, made application by a memorial to the Lords of the Committee of Her Majesty's Most Honourable Privy Council appointed for the consideration of matters relating to Trade and Foreign Plantations, herein-after called the Board of Trade, praying for (among other things) a Provisional Order under the said Act for executing the works herein-after mentioned, with power for the said Commissioners to levy and recover rates according to the schedule in the memorial referred to:

And whereas the estimated expenditure on the proposed works is Six thousand pounds and no more:

And whereas, within the time in the said Act limited in this behalf, the promoters deposited copies of the said memorial, and of the plans, sections, and working drawings of the proposed works, at the office of the Clerk of the Peace for the County of the Town of Carrickfergus, and notice of such deposit was published according to the requirements of the said Act:

And whereas the promoters deposited at the Admiralty Office copies of the said memorial, plans, sections, and working drawings, and on the application of the promoters the Lords of the Admiralty have given their sanction to the proposed works:

And whereas the promoters prepared a schedule of rates to be levied at the proposed works, and published the same, according to the requirements of the said Act, and deposited a printed copy thereof at the office of the said Clerk of the Peace, and transmitted a copy thereof to the Board of Trade, and therewith a statement showing the state of the existing works, and the rates then leviable thereat, the average revenue derived at such works for the three years specified in the said Act, the estimated amount of the rates to be levied at the existing works, and also at the proposed works, and the estimated amount proposed to be expended on the works:

And

And whereas the Board of Trade, at the time in the said Act appointed in this behalf, took the said schedule and statement into consideration, and made such inquiries and obtained such further information in reference to the several matters therein set forth as they deemed expedient:

And whereas the said schedule was prepared, published, deposited, and transmitted as aforesaid before the passing of The General Pier and Harbour Act, 1861, Amendment Act:

And whereas it appears to the Board of Trade to be expedient that the same should be authorized by a Provisional Order, and accordingly the Board of Trade have finally adjusted and fixed the schedule of rates hereto annexed, such rates not exceeding the rates specified in the schedule so prepared, published, deposited, and transmitted as aforesaid:

And whereas the consent in writing of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues to the making of this Provisional Order has been obtained:

And whereas the Board of Trade, after making such inquiries as they have thought expedient, have settled this present Provisional Order, and intend to cause a Bill to be introduced into Parliament for the purpose of obtaining an Act for the confirmation of this Provisional Order (until which confirmation this Provisional Order will not be of any validity or force whatever):

Now, therefore, the Board of Trade do, by this their Provisional Order in pursuance of The General Pier and Harbour Act, 1861, and The General Pier and Harbour Act, 1861, Amendment Act, and by virtue and in exercise of the powers thereby respectively in them vested, and of every other power enabling them in this behalf, ORDER,—

That, from and immediately after the passing of an Act of Parliament confirming this Provisional Order, the following provisions shall take effect and be in force:—

Carrickfergus Harbour Commissioners.

1. The Municipal Commissioners for the Borough of Carrickfergus, and their successors in office, shall be and are hereby, for the purposes of this Order, incorporated by the name of The Carrickfergus Harbour Commissioners, and by that name shall be one body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of, lands and other property for the purposes, but subject to the restrictions, of this Order. **Incorporation of Commissioners.**

2. The Carrickfergus Harbour Commissioners, herein-after called the Commissioners, shall be the Undertakers of the works authorized by this Order. **The Undertakers.**

3. The Commissioners Clauses Act, 1847,—except the following sections thereof, namely, sections 6 to 55 (both inclusive), and 84, 96, 97, and 98,—shall be incorporated with this Order. **Commissioners Clauses Act incorporated.**

4. The Commissioners may borrow on mortgage or bond at interest such sums of money as may be required for the purposes of the works authorized by this Order, not exceeding in the whole the sum of 6,000*l.* **Borrowing.**

5. In order to create a sinking fund for the discharge of the principal money so borrowed, the Commissioners shall yearly set apart the surplus revenue of the Harbour, and shall deposit the same in some joint stock bank of issue in Ireland, to be increased by accumulation in the way of compound interest or otherwise, until the time when the accumulated fund shall be sufficient to pay off the principal money borrowed, or any such part thereof as the Com- **Sinking Fund.**

missioners may think ought to be then paid off, and the Commissioners shall then apply such accumulated fund in such payment accordingly; but so that the Commissioners shall not allow any sum exceeding 500*l.* to remain so deposited for a longer time than six calendar months without applying the same in such payment as aforesaid.

Re-borrowing.

6. Any money borrowed under this Order and discharged by means of the sinking fund aforesaid shall not be re-borrowed; but any money borrowed and discharged otherwise than by means of such sinking fund may be re-borrowed, if required for the purposes of this Order, and so toties quoties.

Receiver.

7. The mortgagees of the Commissioners may enforce the payment of the arrears of interest, or of the arrears of principal and interest, due to them on their respective mortgages, by the appointment of a receiver. The amount to authorize a requisition for a receiver shall be 1,000*l.*

Money to be applied to purposes of Order.

8. Every part of the money borrowed under this Order shall be applied only for purposes authorized by this Order.

Taking of Lands.

Power to take specified lands by agreement.

9. For the purposes of this Order, the Commissioners may from time to time, by agreement, enter on, take, or use all or any part of the lands shown on the deposited plans as intended to be taken for the purposes of the proposed works, and also all or any part of the lands described in Schedule (A.) to this Order annexed.

Lands Clauses Acts incorporated.

10. The Lands Clauses Consolidation Act, 1845, except with respect to the purchase and taking of lands otherwise than by agreement, and The Lands Clauses Consolidation Acts Amendment Act, 1860, shall be incorporated with this Order.

Works.

Power to make works.

11. Subject to the provisions of this Order, the Commissioners may, on the lands taken by them under this Order, and in the lines and according to the levels and within the limits of deviation shown on the deposited plans and sections, make and maintain the works shown on the deposited plans.

Description of Pier and Breakwater.

12. The works by this Order authorized comprise the following:—

(1.) A pier on the eastern side of the Harbour, commencing near the landward end of the existing pier or quay, and running in a southerly direction for 600 feet, then with a cant to the westward for 100 feet; the first 350 feet of the pier to be of stone work, the remainder of open pile work;

(2.) A stone breakwater to protect the same, 400 feet in length, lying about 550 feet to the westward of and parallel to the pier, with an easterly cant at the south end;

with a clear width of entrance between the pier and the breakwater of 400 feet.

Rates.

Power to take rates according to Schedule (B.)

13. The Commissioners may demand and receive in respect of the vessels, goods, and things described in Schedule (B.) hereto, any sums not exceeding the rates in that Schedule specified.

Custom House Officers exempt from rates.

14. Officers of Customs being in the execution of their duty, shall at all times have free ingress, passage, and egress, on, into, along, through, and out of the

the Pier and Harbour, by land, and with their vessels, and otherwise, without payment.

15. The Commissioners shall apply all rates received under this Order, and all other moneys coming to their hands from the existing Harbour, or new works, or the lands or property connected therewith, for the purposes and in the order following, and not otherwise :— **Application of rates and moneys received by the Commissioners.**

(1.) In paying the costs of and connected with the preparation and making of this Order:

(2.) In paying the expenses of the maintenance, management, and regulation of the existing Harbour and new works, and the lands and property connected therewith:

(3.) In paying the interest on any money borrowed under this Order, and any sum payable on account of the principal thereof:

(4.) In paying the rent of the property described in Schedule (A.) hereto, and in fining down such rent in pursuance of any agreement in that behalf made or to be made:

(5.) As to the surplus revenue of the Harbour, that is to say, so much of the rates and other moneys aforesaid, as may remain after making the several payments before in this provision directed,—in creating a sinking fund in manner before in this Order specified.

General Provisions.

16. The following provisions of The Harbours, Docks, and Piers Clauses Act, 1847, shall not be incorporated with this Order, namely, sections 16, 17, 18, and 19. **Lifeboats, tide-gauges, &c.**

17. The Commissioners shall not purchase for extraordinary purposes lands exceeding in extent in the whole two acres. **Lands for extraordinary purposes.**

18. The Commissioners shall have the appointment of meters and weighers within the Harbour. **Meters and weighers.**

19. The Commissioners may provide such steam engines, steam vessels, piling engines, diving bells, ballast lighters, rubbish lighters, and other machinery and vessels, as they may think necessary for effectuating any of the purposes of this Order; and may demand and receive such sums for the use of the same as they may think reasonable. **Steam engines, diving bells, lighters, &c.**

20. The Commissioners shall be a Pilotage Authority and a Local Authority within the meaning of The Merchant Shipping Act, 1854, with all the powers by that Act conferred on pilotage authorities and on local authorities. **Pilotage, lights, buoys, and beacons.**

21. Part V. of The Harbours and Passing Tolls, &c. Act, 1861, shall apply to Carrickfergus Harbour as altered under this Order. **Part V. of 24 & 25 Vict. c. 47. to apply.**

22. This Order may be cited as The Carrickfergus Harbour Order, 1862. **Short Title.**

Board of Trade, Whitehall.
Dated this 19th day of May 1862.

(Signed) T. H. Farrer,
Assistant Secretary.

SCHEDULES.

SCHEDULE (A.)

A tenement and premises situate in the Irish quarter of the town of Carrickfergus, known as Wilson's or Barnett's Quay, comprised and particularly described in an agreement dated the 1st day of November 1861, and made between William Davys Duncan Wilson, Esq., of the one part, and the Municipal Commissioners of the Borough of Carrickfergus of the other part.

SCHEDULE (B.)

I.—Rates on Vessels using or Entering the Existing Harbour or New Works.

		s.	d.
For every vessel	per register ton	0	2

All pleasure boats, boats entirely open, and fishing boats, exempt.

II.—Rates on Goods shipped or unshipped, received or delivered, within the existing Harbour or at the New Works.

Bricks	per ton	0	1½
Cattle—bulls, cows, oxen, and horses	each	0	1
Cattle—calves, pigs, sheep, and lambs	per score	0	3
Cloverseed	per sack	0	1½
Coals	per ton	0	1½
Deals	per 120	1	0
Flour	per ton	0	1½
Gunpowder	per barrel	0	0½
Iron	per ton	0	1½
Lead	per ton	0	1½
Meal	per ton	0	1½
Salt rock	per ton	0	1
Slates	per ton	0	1½
Stones	per ton	0	1½
Timber of all kinds, except deals	per load of 50 feet	0	2

All other Goods, not particularly enumerated above.

Light goods	per barrel bulk	0	1
Heavy goods	per ton	0	2

In charging the rates on goods, the gross weight or measurement of all goods to be taken; and for any less weights, measures, and quantities than those above specified, a proportion of the respective rate shall be charged.

Five cubic feet not exceeding 2½ cwt. to be rated as a barrel bulk; but, when the weight of 5 cubic feet is greater than 2½ cwt., then 2½ cwt. to be rated as a barrel bulk.

III.—Rates for the Use of Cranes, Weighing Machines, and Sheds provided at the existing Harbour or New Works.

1st. *Rates of Craneage.*

	s.	d.
All goods or packages not exceeding 1 ton	0	1½
Exceeding 1 ton and not exceeding 2 tons	0	2
Exceeding 2 tons and not exceeding 3 tons	0	3
Exceeding 3 tons and not exceeding 4 tons	0	4
Exceeding 4 tons and not exceeding 5 tons	0	5
Exceeding 5 tons and not exceeding 6 tons	0	6
Exceeding 6 tons	0	7

2nd. Weighing Machines.

For goods weighed, 1*d.* for each ton or part of a ton.

3rd. Shed Dues.

For each ton of goods of 8 barrels bulk, or for each ton of goods of 20 cwt., which shall remain in the sheds or on the quays of the harbour for a longer time than 48 hours, the sum of 3*d.*, and the sum of 1½*d.* per ton for each day during which such goods shall remain after the first 48 hours.

DEAL.

Provisional Order of the Board of Trade for the Construction, Maintenance, and Regulation of a Pier at Deal in the County of Kent.

Whereas, under The General Pier and Harbour Act, 1861, the promoters of the Deal and Walmer Pier made application by a memorial to the Lords of the Committee of Her Majesty's Most Honourable Privy Council appointed for the consideration of matters relating to Trade and Foreign Plantations, herein-after called the Board of Trade, setting forth the necessity of a Pier at Deal in the County of Kent, and praying their Lordships to approve of the project thus submitted, and to grant a Provisional Order for its execution, containing powers and privileges for the complete execution of the works, and for the levying of rates and tolls, not exceeding those in the memorial referred to: Preamble.

And whereas the estimated expenditure on the proposed works is twelve thousand pounds and no more:

And whereas, within the time in the said Act limited in this behalf, the promoters deposited copies of the said memorial and of the plans, sections, and working drawings of the proposed works at the office of the Clerk of the Peace for the County of Kent, and notice of such deposit was published according to the requirements of the said Act:

And whereas the promoters deposited at the Admiralty Office copies of the said memorial, plans, sections, and working drawings, and on the application of the promoters the Lords of the Admiralty have given their sanction to the proposed works:

And whereas the promoters prepared a schedule of rates to be levied at the proposed works, and published the same, according to the requirements of the said Act, and deposited a printed copy thereof at the office of the said Clerk of the Peace, and transmitted a copy thereof to the Board of Trade, and therewith a statement showing the probable or estimated amount of the rates to be levied at the proposed works, and also the estimated amount proposed to be expended on the works:

And whereas the Board of Trade, at the time in the said Act appointed in this behalf, took the said schedule and statement into consideration, and made such inquiries and obtained such further information in reference to the several matters therein set forth as they deemed expedient:

And whereas the said schedule was prepared, published, deposited, and transmitted as aforesaid before the passing of The General Pier and Harbour Act, 1861, Amendment Act:

And whereas it appears to the Board of Trade to be expedient that the same (with the omission of part thereof) should be authorized by a Provisional Order, and accordingly the Board of Trade have finally adjusted and fixed the schedule of rates hereto annexed, such rates not exceeding the rates specified in the said schedule so prepared, published, deposited, and transmitted as aforesaid:

And whereas the consent in writing of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues to the making of this Provisional Order has been obtained:

And whereas the Board of Trade, after making such inquiries as they have thought expedient, have settled this present Provisional Order, and intend to cause a Bill to be introduced into Parliament for the purpose of obtaining an Act for the confirmation of this Provisional Order (until which confirmation this Provisional Order will not be of any validity or force whatever):

Now, therefore, the Board of Trade do by this their Provisional Order, in pursuance of The General Pier and Harbour Act, 1861, and The General Pier and Harbour Act, 1861, Amendment Act, and by virtue and in exercise of the powers thereby respectively in them vested, and of every other power enabling them in this behalf, ORDER,—

That, from and immediately after the passing of an Act of Parliament confirming this Provisional Order, the following provisions shall take effect and be in force:—

The undertakers.

1. The Deal and Walmer Pier Company, Limited, herein-after called the Company, shall be the undertakers of the works authorized by this Order.

Power to take specified lands by agreement.

2. For the purposes of the works by this Order authorized, the Company may from time to time, by agreement, enter on, take, or use all or any part of the lands shown on the deposited plans as intended to be taken for the purposes of the proposed works.

Lands Clauses Acts incorporated.

3. The Lands Clauses Consolidation Act, 1845, except with respect to the purchase and taking of lands otherwise than by agreement, and The Lands Clauses Consolidation Acts Amendment Act, 1860, shall be incorporated with this Order.

Power to make works.

4. Subject to the provisions of this Order, the Company may, on the lands taken by them under this Order, and in the lines and according to the levels and within the limits of deviation shown on the deposited plans and sections, make and maintain the works shown on the deposited plans.

Description of Pier.

5. The works by this Order authorized comprise the following:—

A pier on iron piles carried out from the South Esplanade, Deal, into the sea to a distance of 920 feet, with a general width of 20 feet, and a width at the head of 40 feet.

Power to take rates according to Schedule to this Order.

6. The Company may demand and receive in respect of the vessels, goods persons, and things in the Schedule hereto described, any sums not exceeding the rates in that Schedule specified.

Custom House Officers exempt from rates.

7. Officers of Customs being in the execution of their duty, shall at all times have free ingress, passage, and egress, to, on, along, and from the Pier by land, and with their vessels, and otherwise, without payment.

Lands for extraordinary purposes.

8. The Company shall not purchase for extraordinary purposes lands exceeding in extent in the whole two acres.

Meters and weighers.

9. The Company shall have the appointment of meters and weighers on the Pier.

10. The

10. The Company may provide such steam-engines, steam-vessels, piling engines, diving bells, ballast lighters, rubbish lighters, and other machinery and vessels, as they may think necessary for effectuating any of the purposes of this Order; and may demand and receive such sums for the use of the same as they may think reasonable. **Steam engines, diving bells, lighters, &c.**

11. Part V. of The Harbours and Passing Tolls, &c. Act, 1861, shall apply to the Harbour by this Order authorized. **Part V. of 24 & 25 Vict. c. 47. to apply.**

12. This Order may be cited as The Deal and Walmer Pier Order, 1862. **Short Title.**

Board of Trade, Whitehall.
Dated this 19th day of May 1862.

(Signed) T. H. Farrer,
Assistant Secretary.

SCHEDULE.

I.—Rates on Vessels using the Pier.

		s.	d.
For every vessel under the burden of 15 tons	per ton	0	4
For every vessel of the burden of 15 tons, and under 50 tons	per ton	0	6
For every vessel of the burden of 50 tons, and under 100 tons,	per ton	0	8
For every vessel of the burden of 100 tons, and under 150 tons,	per ton	0	10
For every vessel of the burden of 150 tons, and upwards	per ton	1	0
All lighters for any vessel in the roads shall be exempt from rates; but if the vessel do not use the Pier, every lighter shall pay for each trip	per ton	0	2
All boats entirely open, landing or taking on board goods or dried or salted fish	each	0	6
All drave or large boats using the pier with fresh fish	each	0	4

II.—Rates on Goods shipped or unshipped at the Pier.

Ale	per hogshead	0	6
Ale (bottled)	per barrel bulk	0	3
Anchor	per cwt.	0	9
Anchor stock	per foot run	0	2
Bark	per ton	1	0
Bedding (seaman's)		0	3
Beef or pork	per ton	1	4
Beef or pork	per barrel	0	2
Blubber	per ton of 252 gallons	1	0
Bone dust	per ton	0	8
Bones of cattle	per ton	0	6
Bottles	per gross	0	2
Bricks	per 1,000	0	8
Butter	per barrel	0	4
Casks (empty), not being returned packages	per puncheon	0	3
Other casks in proportion.			
Cattle:			
Bulls	each	0	3
Cows and oxen	each	0	2
Calves	each	0	0½
Horses	each	0	2
Pigs	each	0	0½
Sheep	per score	0	6
Lambs	per score	0	3

		s.	d.
Chalk	per ton	0	8
Cheese	per cwt.	0	4
Chimney cans	per 100	1	4
Clay (fire, manufactured)	per ton	0	6
Clay (common)	per ton	0	2
Cloth, haberdashery, &c.	per barrel bulk	0	2
Coaches:			
Chaises and other four-wheeled carriages	each	0	8
Gigs, carts, and other two-wheeled carriages	each	0	6
Coals (Scotch, English, smithy, and culm)	per ton	0	3
Copper	per ton	1	4
Corks	per barrel bulk	0	2
Corn:			
Wheat and malt	per quarter	0	3
Barley, beans, peas, tares, oats, rye, buckwheat, and Indian corn	per quarter	0	2
Crystal	per barrel bulk	0	2
Dissolved bones and other artificial manures	per ton	0	8
Dogs (sporting only)	each	0	2
Drugs	per barrel bulk	0	3
Earthenware	per crate	0	8
Eggs	per barrel bulk	0	2
Fish (dried and salted)	per ton	1	4
Haddocks, cod, salmon, and all fresh fish not enumerated	per barrel bulk	0	2
Flax	per ton	1	4
Flour	per sack	0	2
Flour	per barrel	0	1½
Fruit	per bushel or sieve	0	2
Glass	per barrel bulk	0	3
Groceries, viz.:			
Almonds, figs, cinnamon, currants, pepper, pimento, plums, prunes, raisins, and the like	per barrel bulk	0	3
Guano	per ton	0	8
Gunpowder	per barrel	0	3
Hams, bacon, or tongues	per cwt.	0	3
Hardware	per barrel bulk	0	3
Hares and rabbits	per dozen	0	2
Any less quantity		0	1
Hay	per ton	0	8
Hemp	per ton	1	4
Herrings (fresh)	per cran	0	1
Herrings (cured)	per barrel	0	3
Hides:			
Ox, cow, or horse (salted or dried)	per ton	1	4
Calf skins	per 120	0	10
Sheep skins	per 120	0	10
Lamb skins	per 120	0	5
Hoops of wood	per 1,500	1	0
Household furniture (new)	per barrel bulk	0	1
Household furniture (belonging to parties changing their residences only)	per 10 barrels bulk	0	6
Husbandry utensils	per ton	1	4
Husbandry utensils	per barrel bulk	0	2
Iron:			
Bar, bolt, and rod	per ton	1	4
Pig and old	per ton	0	8
Manufactured, cast, and wrought	per cwt.	0	2
Chain cables	per ton	1	4

		s.	d.
Kelp	per ton	0	8
Lead (all kinds)	per ton	1	4
Leather (tanned and dressed)	per ton	1	4
Lime	per chaldron of 16 bolls	1	4
Limestone	per ton	0	3
Loam or moulding sand	per ton	0	3
Machinery	per ton	1	4
Machinery	per barrel bulk	0	3
Manure (street)	per ton	0	2
Masts and spars, 10 inches in diameter and upwards	each	4	6
Under 10 inches	each	3	0
Meal	per bag of 280 lbs.	0	2
Meat (fresh)	per ton	1	4
Meat (fresh)	per barrel	0	2
Milk	per 3 large pitchers	0	0½
Musical instruments	per barrel bulk	0	3
Oils	per ton	1	0
Ores:			
Copper, iron, lead, and other ores	per ton	0	8
Oysters	per bushel	0	3
Passengers' luggage, not exceeding 4 barrels bulk, free. All above 4 barrels bulk	per barrel bulk	0	3
Peats	per ton	0	3
Pitch	per barrel	0	3
Porter	per hogshead	0	4
Porter (bottled)	per barrel bulk	0	2
Potatoes	per ton	0	6
Poultry, including pigeons, game, &c.	per dozen	0	1
Any less quantity		0	0½
Rags (linen)	per ton	1	4
Other rags, old rope, and the like	per ton	0	10
Rape cakes	per ton	0	8
Salt	per ton	0	10
Seeds:			
Flax and rape	per hogshead	0	6
Flax	per barrel	0	3
Flax, in bulk	per quarter	0	2
Clover	per ton	1	4
Garden	per ton	1	4
Hemp and canary	per ton	1	4
Rye grass	per 8 bushels	0	2
Shrimp baskets	each	0	2
Skin, seal	per 120	0	8
Slates, under size	per 1,000	0	6
Sizeable	per 1,000	0	10
Over size	per 1,000	1	4
Spirits (Foreign and British)	per hogshead of 56 gallons	0	8
Stones:			
Rubble	per ton of 16 cubic feet	0	2
Hewn ashlar freestone	per ton of 16 cubic feet	0	4
Rough ashlar freestone	per ton of 16 cubic feet	0	3
Pavement not exceeding 3 inches thick	per 70 feet	0	4
Pavement above 3 inches thick	per 16 cubic feet	0	4
Scythe stones	per score	0	1
Mill stones	each	0	8
Steel	per ton	1	4
Sugar	per ton	1	4
Tallow	per ton	1	4

		s.	d.
Tar	per barrel	0	2
Tea	per chest	0	3
Tiles (roofing)	per 1,000	0	9
Tiles or pipes for draining	per 1,000	0	8
Tin of all kinds	per ton	1	4
Tobacco	per ton	2	6
Treenails, under 2 feet in length	per 1,000	0	6
Treenails, exceeding 2 feet in length	per 1,000	1	0
Turnips	per ton	0	6
Turpentine	per hogshead	0	8
Vegetables	per cartload	0	2
Vinegar	per hogshead	0	6
Vitriol	per carboy	0	2
Whalebone	per ton	2	6
Wine	per hogshead	0	8
Wine (bottled)	per barrel bulk	0	4
Wood:			
Fir, pine, and other descriptions not enumerated	per load of 50 feet	0	10
Oak or wainscot	per load of 50 feet	1	0
Firewood	per fathom	0	6
Laths and lathwood	per fathom of 216 cubic feet	2	6
Handspokes	per 120	0	10
Oars	per 120	2	6
Spars, under 22 feet in length, above 2½ and under 4 inches in diameter	per 120	2	6
Spars, 2½ inches in diameter and under	per 120	1	4
Spars, 22 feet in length and upwards, and not exceeding 4 inches in diameter	per 120	6	6
Spars of all lengths, above 4 and under 6 inches in diameter	per 120	12	0
Spokes of wheels not exceeding 2 feet in length	per 120	0	4
Exceeding 2 feet in length	per 120	0	6
Wedges	per 1,000	1	0
Pipe staves, and others in proportion	per standard hundred	1	0
Lignum vitæ, fustic, logwood, mahogany, and rosewood	per ton	1	4
Wool	per cwt.	0	2
Yarn	per ton	1	4
Zinc	per ton	1	4

All other Goods not particularly enumerated in the above Table.

Light goods	per barrel bulk	0	2
Heavy goods	per ton	1	4

In charging the rates on goods, the gross weight or measurement of all goods to be taken, and for any less weights, measures, and quantities than those above specified, a proportion of the respective rates shall be charged.

Five cubic feet, not exceeding 2½ cwt., to be rated as a barrel bulk; but when the weight of 5 cubic feet is greater than 2½ cwt., then 2½ cwt. to be rated as a barrel bulk.

III.—Rates for Use of Cranes, Weighing Machines, and Sheds.

1st. *Rates of Craneage.*

	s.	d.
All goods or packages not exceeding 1 ton	0	3
Exceeding 1 ton, and not exceeding 2 tons	0	4
Exceeding 2 tons, and not exceeding 3 tons	0	6
Exceeding 3 tons, and not exceeding 4 tons	0	8

	s.	d.
Exceeding 4 tons, and not exceeding 5 tons - - -	0	10
Exceeding 5 tons, and not exceeding 6 tons - - - -	1	0
Exceeding 6 tons, and not exceeding 7 tons - - -	1	2
Exceeding 7 tons, and not exceeding 8 tons - - -	1	4
Exceeding 8 tons, and not exceeding 9 tons - - -	1	8
Exceeding 9 tons, and not exceeding 10 tons - - -	2	0
Exceeding 10 tons - - - - -	3	0

2nd. Weighing Machines.

For goods weighed, for each ton or part of a ton - - -	0	1

3rd. Shed Dues.

For each ton of goods of 8 barrels bulk, or for each ton of goods of 20 cwt., which shall remain in the sheds or other works of the Pier for a longer time than 48 hours, the sum of 3*d.*; and the sum of 1½*d.* per ton for each day during which such goods shall remain after the first 48 hours.

For any portmanteau, trunk, parcel, or other article of passengers luggage for each day or part of a day, per package - -	0	2

IV.—Rates on Passengers landing on or embarking from the Pier.

	£	s.	d.
For every passenger or other person who shall land on the said Pier from, or embark from it on board of, any ship, vessel, packet, or passage boat, not being boats or vessels used for pleasure only, for each and every time, any sum not exceeding -	0	0	2
For every person who shall land on the said Pier from, or embark from it on board of, any boat or vessel used for pleasure only, for each and every time, any sum not exceeding - -	0	0	6
For every person who shall use the said Pier for the purpose of walking for exercise, pleasure, or any other purpose, except for embarking or disembarking, for each and every time, any sum not exceeding - - - - - - -	0	0	2
For every master of any vessel, boat, or wherry, being an inhabitant of the town of Deal or parish of Walmer, and using the said Pier for the purpose of going to or returning from his own vessel, boat, or wherry, an annual sum not exceeding - -	1	0	0

OBAN.

Provisional Order of the Board of Trade for the Improvement, Maintenance, and Regulation of the Harbour of Oban in the County of Argyll.

Whereas, under The General Pier and Harbour Act, 1861, the Most Honourable John Marquess of Breadalbane made application by a memorial to the Lords of the Committee of Her Majesty's Most Honourable Privy Council appointed for the consideration of matters relating to Trade and Foreign Plantations, herein-after called the Board of Trade, representing that the Pier at the Harbour of Oban, in the County of Argyll, belonging to him, was constructed by his predecessors at their own expense, and that the same being now inadequate to the wants of the community, he is desirous to execute additional works at the said Pier and Harbour under the authority of the said Act: Preamble.

And whereas the estimated expenditure on the proposed works is one thousand three hundred and forty pounds and no more:

And whereas, within the time in the said Act limited in this behalf, the promoter deposited copies of the said memorial and of the plans, sections, and working drawings of the proposed works with the Sheriff Clerk of the County of Argyll, at Inverary, and notice of such deposit was published according to the requirements of the said Act:

And whereas the promoter deposited at the Admiralty Office copies of the said memorial, plans, sections, and working drawings, and on his application the Lords of the Admiralty have given their sanction to the proposed works:

And whereas the consent in writing of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues to the making of this Provisional Order has been obtained:

And whereas the Board of Trade, after making such inquiries as they have thought expedient, have settled this present Provisional Order, and intend to cause a Bill to be introduced into Parliament for the purpose of obtaining an Act for the confirmation of this Provisional Order (until which confirmation this Provisional Order will not be of any validity or force whatever):

Now, therefore, the Board of Trade do by this their Provisional Order, in pursuance of The General Pier and Harbour Act, 1861, and The General Pier and Harbour Act, 1861, Amendment Act, and by virtue and in exercise of the powers thereby respectively in them vested, and of every other power enabling them in this behalf, Order,—

That, from and immediately after the passing of an Act of Parliament confirming this Provisional Order, the following provisions shall take effect and be in force:—

The Undertaker.

1. The said John Marquess of Breadalbane, or the proprietor of the said Pier for the time being, shall be the Undertaker of the works authorized by this Order.

Power to take specified lands by agreement.

2. For the purposes of the works authorized by this Order, the Undertaker may from time to time, by agreement, enter on, take, or use all or any part of the lands shown on the deposited plans as intended to be taken for the purposes of the proposed works.

Lands Clauses Acts incorporated.

3. The Lands Clauses Consolidation (Scotland) Act, 1845, except with respect to the purchase and taking of lands otherwise than by agreement, and The Lands Clauses Consolidation Acts Amendment Act, 1860, shall be incorporated with this Order.

Power to make works.

4. Subject to the provisions of this Order, the Undertaker may, on the lands taken by him under this Order, and in the lines and according to the levels and within the limits of deviation shown on the deposited plans and sections, make and maintain the works shown on the deposited plans.

Time for completion of works.

5. The time for the completion of the works authorized by this Order shall be two years after the passing of an Act confirming this Order.

Rates, Lifeboats, &c.

6. The provisions of The Harbours, Docks, and Piers Clauses Act, 1847, with respect to rates and to the collection and recovery of rates, and sections 16, 17, 18, and 19 of that Act, shall not be incorporated with this Order.

Custom House Officers exempt from rates.

7. Officers of Customs being in the execution of their duty, shall at all times have free ingress, passage, and egress, on, into, along, through, and out of the Pier and Harbour, by land, and with their vessels, and otherwise without payment.

8. Nothing

8. Nothing in this Order shall be deemed to enable the Undertaker to purchase, or to enable any person to sell or convey to the Undertaker, for extraordinary purposes, lands exceeding in extent in the whole two acres. Lands for extraordinary purposes.

9. The Undertaker shall have the appointment of meters and weighers on and within the Pier and Harbour. Meters and weighers.

10. This Order may be cited as The Oban Harbour Order, 1862. Short Title.

Board of Trade, Whitehall.

Dated this 19th day of May 1862. (Signed) T. H. Farrer,
Assistant Secretary.

SAINT IVES.

Provisional Order of the Board of Trade for the Improvement, Maintenance, and Regulation of the Harbour of Saint Ives in the County of Cornwall.

Whereas, under The General Pier and Harbour Act, 1861, the Saint Ives Harbour Commissioners made application by a memorial to the Lords of the Committee of Her Majesty's Most Honourable Privy Council appointed for the consideration of matters relating to Trade and Foreign Plantations, herein-after called the Board of Trade, praying the Board of Trade to make a Provisional Order under the said Act, and thereby to empower such Commissioners (among other things) to make and maintain a pier and other accommodation connected therewith at Saint Ives, in the County of Cornwall, and to take land on lease or otherwise by agreement to an extent to be limited in such Order, and to levy and recover rates at such works not exceeding the amounts specified in the Schedule of rates thereto annexed, and to raise money for the purposes of such works, and thereby also to regulate the borrowing powers of such Commissioners, and therein to specify such terms and conditions to be observed by such Commissioners for the formation, management, and maintenance of such works as to the Board of Trade might seem fit: Preamble.

And whereas the estimated expenditure on the proposed works is twenty thousand pounds and no more:

And whereas, within the time in the said Act limited in this behalf, the promoters deposited copies of the said memorial and of the plans, sections, and working drawings of the proposed works at the office of the Clerk of the Peace for the County of Cornwall, and notice of such deposit was published according to the requirements of the said Act:

And whereas the promoters deposited at the Admiralty Office copies of the said memorial, plans, sections, and working drawings, and on the application of the promoters the Lords of the Admiralty have given their sanction to the proposed works:

And whereas the promoters prepared a schedule of rates to be levied at the proposed works, and published the same, according to the requirements of the said Act, and deposited a printed copy thereof at the office of the said Clerk of the Peace, and transmitted a copy thereof to the Board of Trade, and therewith a statement showing the state of the existing works, the probable or estimated amount of the rates to be levied at the existing works, and also at the proposed works, and also the estimated amount proposed to be expended on the works:

And whereas a certain objection to the said schedule was forwarded in writing to the Board of Trade within the time in the said Act limited in this behalf:

And whereas the Board of Trade, at the time in the said Act appointed in this behalf, took the said schedule and statement into consideration, and made such inquiries and obtained such further information in reference to the several matters therein set forth and to the objection aforesaid as they deemed expedient:

And whereas the said Schedule was prepared, published, deposited, and transmitted as aforesaid before the passing of The General Pier and Harbour Act, 1861, Amendment Act:

And whereas it appears to the Board of Trade to be expedient that the same, as modified on the objection aforesaid, should be authorized by a Provisional Order, and accordingly the Board of Trade have finally adjusted and fixed the schedule of rates hereto annexed, such rates not exceeding the rates specified in the schedule so prepared, published, deposited, and transmitted, and so modified as aforesaid:

And whereas the consent in writing of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues to the making of this Provisional Order has been obtained:

And whereas the Board of Trade, after making such inquiries as they have thought expedient, have settled this present Provisional Order, and intend to cause a Bill to be introduced into Parliament for the purpose of obtaining an Act for the confirmation of this Provisional Order (until which confirmation this Provisional Order will not be of any validity or force whatever):

Now, therefore, the Board of Trade do, by this their Provisional Order, in pursuance of The General Pier and Harbour Act, 1861, and The General Pier and Harbour Act, 1861, Amendment Act, and by virtue and in exercise of the powers thereby respectively in them vested, and of every other power enabling them in this behalf, Order,—

That, from and immediately after the passing of an Act of Parliament confirming this Provisional Order, the following provisions shall take effect and be in force:—

Commissioners.

The Undertakers. (16 & 17 Vict. c. cxxix.)

1. The Saint Ives Harbour Commissioners, constituted by The Saint Ives Harbour Act, 1853, herein-after called the Commissioners, shall be the Undertakers of the works authorized by this Order.

Commissioners Clauses Act incorporated.

2. The Commissioners Clauses Act, 1847, except section 54, shall be incorporated with this Order.

Borrowing.

3. The Commissioners may borrow on mortgage or bond at interest such sums of money as may be required for the purposes of the works authorized by this Order, not exceeding in the whole the sum of 25,000*l.*

Sinking Fund.

4. The sum to be yearly set apart as a sinking fund for the purposes and according to the provisions of section 84 of The Commissioners Clauses Act, 1847, shall be one-fiftieth part of the sums so borrowed.

Re-borrowing.

5. Any money borrowed under this Order and discharged by means of the sinking fund shall not be re-borrowed, but any money borrowed and discharged by any means other than the sinking fund may be re-borrowed, and so toties quoties.

6. The

6. The mortgagees of the Commissioners may enforce the payment of the arrears of interest, or of the arrears of principal and interest, due to them on their respective mortgages, by the appointment of a receiver. The amount to authorize a requisition for a receiver shall be 1,000*l.* **Receiver.**

7. Every part of the money borrowed under this Order shall be applied only for purposes authorized by this Order. **Money to be applied to purposes of Order.**

Taking of Lands.

8. For the purposes of the works authorized by this Order, the Commissioners may from time to time, by agreement, enter on, take, or use all or any part of the lands shown on the deposited plans as intended to be taken for the purposes of the proposed works. **Power to take specified lands by agreement.**

9. The Lands Clauses Consolidation Act, 1845, except with respect to the purchase and taking of lands otherwise than by agreement, and The Lands Clauses Consolidation Acts Amendment Act, 1860, shall be incorporated with this Order. **Lands Clauses Acts incorporated.**

Works.

10. Subject to the provisions of this Order, the Commissioners may, on the lands taken by them under this Order, and in the lines and according to the levels and within the limits of deviation shown on the deposited plans and sections, make and maintain the works shown on the deposited plans. **Power to make works.**

11. The works by this Order authorized comprise the following:— **Description of Pier.**

A pier 600 feet in length, running 540 feet below high-water mark, in a south-easterly direction, into a depth of water of 30 feet at time of high-water, and of 6 feet at time of low-water.

12. The now existing pier shall not be removed until the pier by this Order authorized to be made is completed to the extent of 400 feet in length. **Restriction on removal of existing Pier.**

Rates.

13. The Commissioners may demand and receive in respect of the vessels, goods, and things in the Schedule hereto described, any sums not exceeding the rates in that Schedule specified. **Power to take rates according to Schedule to this Order.**

14. Officers of Customs, being in the execution of their duty, shall at all times have free ingress, passage, and egress, on, into, along, through, and out of the Pier and Harbour, by land, and with their vessels, and otherwise, without payment. **Custom House Officers exempt from Rates.**

15. Subject to the provision, in the prescribed manner, of a sinking fund for the discharge of any principal money borrowed under this Order, the Commissioners shall apply the rates received by them under this Order, and all other moneys coming to their hands under or by virtue of the same, for the purposes and in the order following, and not otherwise:— **Application of Rates and other moneys received under Order.**

(1.) In paying the expenses of and connected with the preparation and making of this Order:

(2.) In paying to the Mayor, Aldermen, and Burgesses of the Borough of Saint Ives the sum of 25*l.* on the 2nd day of February in each year:

(3.) In making, maintaining, and regulating the Harbour and the Pier and works authorized by this Order:

(4.) In paying the interest on any money borrowed under this Order, and any principal money payable on account thereof.

General Provisions.

Incorporation of parts of 16 & 17 Vict. c. cxxix.

16. The following provisions of The Saint Ives Harbour Act, 1853, shall be incorporated with this Order, as if they were repeated in terms in this Order, with the substitution of the term "this Order" for the term "this Act," namely, sections 23, 33 (as far as it defines the limits of the Harbour), 35, 40, 44, 48, 52, 54, 55, 56, and 57.

Lands for extraordinary purposes.

17. The Commissioners shall not purchase for extraordinary purposes lands exceeding in extent in the whole two acres.

Meters and weighers.

18. The Commissioners shall have the appointment of meters and weighers on and within the Pier and Harbour.

Short Title.

19. This Order may be cited as The Saint Ives Harbour Order, 1862.

Board of Trade, Whitehall.
Dated this 19th day of May 1862. (Signed) T. H. Farrer,
Assistant Secretary.

SCHEDULE.

I.—Rates for Vessels entering or using the Harbour.

	s.	d.
For each sein boat or dipper used or kept afloat within the said Harbour at any time during the year, the yearly sum (to be considered as due on the Thirty-first day of December in each year) of	3	0
For each tow boat used or kept afloat within the said Harbour at any time during the year, the yearly sum (to be considered as due on the Thirty-first day of December in each year) of - - -	1	6
For each follower used or kept afloat within the said Harbour at any time during the year, the yearly sum (to be considered as due on the Thirty-first day of December in each year) of - - -	1	0
For every drift boat (being boats generally used for deep-sea fishing) belonging to the Harbour of Saint Ives, above the size of five tons, per ton per annum, to be considered as due on first using the Harbour after the first day of March in each year - -	1	0
For every tackler or other boat not exceeding the size of five tons (not being a sein boat, dipper, tow boat, follower, ship's boat, or punt,) belonging to the Harbour of Saint Ives, per annum, to be considered as due on first using the Harbour after the first day of March in every year - - - - - -	5	0
For every vessel (other than those herein-before specifically mentioned, entering the Harbour, for every ton register measurement thereof -	0	2
And if the same shall remain in the Harbour more than two months continuously, then for every month or part of a month during which the same shall remain in the Harbour after the first two months the further sum per ton register measurement of	0	0½

II.—Rates for Goods shipped or unshipped, received or delivered, in the existing Harbour or at the new Pier.

		s.	d.
Acid water, acid vegetable, or mineral	per pipe	1	0
Ditto ditto	per hogshead	0	6
Ditto ditto	per firkin	0	3
Ditto ditto	per jar	0	2
Acorns	per ton of forty bushels	1	0
Ale, beer, or porter	per butt or pipe	1	0
Ditto	per hogshead	0	6
Ditto	per barrel	0	3
Ditto	per kilderkin	0	1½
Ditto	in bottles, per dozen	0	1
Alabaster	per ton	1	0
Alkanet root	per cwt.	0	4
Alum	per cwt.	0	2
Almonds	per cwt.	0	3
Aloes	per cwt.	0	4
Amber	per cwt.	0	4
Ambergris	per cwt.	1	0
Anacardium, or the cashew nut	per bushel	0	1
Anchors	per cwt.	0	1
Anchovies	per barrel	0	2
Angelica	per cwt.	0	3
Animals, stuffed	each	0	6
Annatto	per cwt.	0	4
Anniseeds	per cwt.	0	3
Antimony	per cwt.	0	3
Anvils	per cwt.	0	1
Apples or pears	per cwt.	0	3
Arrow root and powder	per cwt.	0	3
Arsenic	per ton	1	0
Ashes, barilla	per cwt.	0	1
Pearl and pot	per cwt.	0	2
Black	per cwt.	0	1
Bleaching	per cwt.	0	2
Common Irish	per cwt.	0	1
Soda	per cwt.	0	1
Asphaltum	per cwt.	0	1
Bacon or pork	per cwt.	0	2
Bagging	per cwt.	0	4
Ballast	per ton register measurement of vessel	0	1
Bark, tanners, chopped	per ton	1	0
Ditto, rinds, not ground	per ton	1	0
Angustina	per cwt.	0	4
Birch and larch	per ton	1	0
Quercitron	per ton	2	0
Sassafras	per cwt.	0	4
Winteranus	per cwt.	0	4
Baskets	per dozen	0	1
Basket rods	per thousand	0	3
Bass rope	per cwt.	0	2
Bedposts, mahogany	per set	0	6
Others	per set	0	4
Beef or pork	per tierce	0	6
Ditto	per barrel	0	4
Ditto	per half barrel and smaller package	0	2
Beehives	per dozen	0	2
Beer, spruce	per barrel of 32 gallons	0	8

		s.	d.
Bell metal	per cwt.	0	2
Bellows, smiths	each	0	6
Bellows, common	per dozen	0	6
Berries, bay	per cwt.	0	1
Juniper	per cwt.	0	1
Yellow	per cwt.	0	1
Biscuit or bread	per cwt.	0	2
Blacking	per cwt.	0	2
Blackjack	per ton	0	4
Blocks, heel	per gross	0	2
Last	per dozen	0	1
Ship	per dozen	0	1
Blubber	per cwt.	0	1
Blue	per cwt.	0	2
Bobbins	per cask	1	0
Bone dust	per quarter	0	2
Bones	per ton	1	6
Books	per cwt.	0	4
Borax	per cwt.	0	2
Bottles, loose, empty	per gross	0	2
In baskets or carboys	full	0	6
Bowls of wood	per dozen	0	2
Boxes, iron, for wheels	per cwt.	0	1
Bran	per ton	1	0
Brandy	per hogshead	1	6
Ditto	(in transitu)	1	0
Brass, new	per cwt.	0	2
Old	per cwt.	0	1
Bricks, common	per thousand	1	0
Fire	per thousand	2	0
Scouring		1	6
Slabjacks	per dozen	0	1½
Brimstone	per cwt.	0	1
Bristles	per 12 lbs.	0	1
Brooms, birch	per gross	0	2
Brooms and brush handles	per gross of 12 dozen	0	6
Brush heads and stocks	per hundred	0	1
Brushes, hair, rush, or whalebone	per dozen	0	2
Bugles and beads	per cwt.	0	3
Bullion	per package	1	0
Bullrushes	per bundle	0	1
Butter	per cask	0	3
,,	per firkin	0	1½
,,	per pot	0	1
Cakes, linseed or rape	per cwt.	0	1
Calamine	per cwt.	0	1
Calaminaris, lapis	per cwt.	0	1
Calves velves	per cwt.	0	3
Camphor	per cwt.	0	6
Candles, tallow	chest of 14 dozen	0	6
,, ,,	half chest	0	3
,, wax	per 12 lbs.	0	1
Canella alba	per cwt.	0	4
Canes	per bundle	0	6
Cantharides	per cwt.	1	0
Canvass	per bolt	0	1
Caoutchouc	per cwt.	0	4
Capers	per cwt.	0	6

		s.	d.
Capillaire	per 100 gallons	1	0
Carboys, empty	each	0	1
Cards, wool	per dozen	0	1
Carriages or coaches	each	10	6
Gigs	each	5	0
For guns	each	1	6
Carts	each	2	6
Hand	each	1	0
Casks, empty	per ton, not returned	0	2
Cassia buds	per cwt.	0	6
Fistula	per cwt.	0	4
Cattle; viz.:			
Asses and mules	each	1	0
Bulls, cows, and oxen	each	1	6
Calves and lambs	each	0	6
Horses	each	2	0
Pigs or sheep	each	0	6
Sucking pigs	each	0	3
Cavaire	per cwt.	0	2
Cement	per cwt.	0	1
Chairs, not mahogany	per dozen	2	0
Mahogany	per dozen	2	6
Chalk	per ton	0	2
Charcoal	per pack	0	1
Cheese	per cwt.	0	2
Chesnuts	per bushel	0	1
Chimney pots (earthenware)	each	0	1
China	per hogshead	1	6
"	per tierce	1	0
Chirt stones	per ton	0	6
Cocoa	per cwt.	0	3
Chocolate	per cwt.	0	3
Cider or perry	per hogshead	0	6
In bottles	per dozen	0	1
Cinnabar	per cwt.	0	9
Cinnamon	per cwt.	1	0
Citron preserves	per cwt.	0	4
Clay, pipe and potters	per ton	0	2
China	per ton	0	3
Cloth	packs not exceeding 1 cwt.	0	4
Linen or woollen, bale, pack, or truss	per cwt.	0	4
Cloths, linen, woollen, or cotton, in boxes	per foot	0	1
Clocks	per dozen	2	0
Wood	per dozen	1	0
Clog soles	per gross	0	6
Clover seed	per cwt.	0	3
Cloves	per cwt.	1	0
Coals (besides bushelage)	per ton	0	3
Cobalt	per ton	1	0
Ore	per ton	0	4
Coculus indicus	per cwt.	0	4
Cocoa nuts	per 100	0	2
Coffee	per cwt.	0	3
Colouring for potter	per barrel of 36 gallons	0	6
Columbo root	per 100	0	4
Copper	per cwt.	0	1
Ore	per ton	0	4
Furnaces	per twenty gallons	0	2

		s.	d.
Copperas, barrel or bag	per cwt.	0	2
Coral	per cwt.	2	0
Cordage	per cwt.	0	1
Cordials	per case of 1 dozen	0	1
"	per hogshead	1	0
Corks	per 10 gross	0	2
Cork	per cwt.	0	3
Corn, viz.:			
Wheat	per quarter	0	2
Barley	per quarter	0	1
Oats	per quarter	0	1
Flour	per sack of 280 pounds	0	2½
Ditto	per barrel	0	2
Bere and bigg	per quarter	0	2
Barley meal	per bag	0	2
Indian corn	per quarter	0	1
Ditto meal	per bag	0	1
Oatmeal	per bag	0	1
Beans and peas	per quarter	0	2
Rye	per quarter	0	1
Cotton, raw	per cwt.	0	3
Cradles	each	0	2
Crease, earthenware	per dozen	0	0½
Cranberries	per five gallons	0	1
Cream of tartar	per cwt.	0	4
Crystal	per box or package	0	6
Cubebs	per cwt.	0	6
Culm	per ton	0	3
Currants	per butt	1	6
Dates	per cwt.	0	3
Dogs, and other animals not enumerated	each	0	6
Down, eider	per cwt.	0	9
Drugs, in casks, hampers, or boxes	at per foot	0	1
Dyers stuff	per cwt.	0	4
Earth, black	per ton	1	0
Brown	per ton	1	0
Fullers	per ton	1	0
Red	per ton	1	0
Yellow	per ton	1	0
Earthenware, coarse, in bulk	per potters dozen	0	3
In crates	at per foot	0	0½
Eggs	per gross of twelve dozen	0	1
Emery	per cwt.	0	2
Stones	per cwt.	0	1
Empty bags and sacks (not returned)	per cwt.	0	2
Epsom salts	per cwt.	0	2
Essence of lemons and limes	per hundred pounds	2	0
Essential oils	per cwt.	0	9
Euphorbium	per cwt.	0	4
Feathers	per cwt.	0	6
Felt	per cwt.	0	1
Figs	per cwt.	0	2
Filtering stones	each	0	1
Fish, fresh	per cwt.	0	1
Pilchards, cured	per hogshead	0	3
Herrings, cured	per barrel	0	4
other cured fish (not before specified)	per cwt.	0	1
Flag stones	per hundred feet	1	2

		s.	d.
Flax, rough	per ton	1	8
	per dozen hanks	0	1
Floor cloth	per cwt.	0	4
Flower roots, plants, or trees, in packages	at per foot	0	1
Free stones	per ton	1	2
Fruit, green, or dry	per cwt.	0	1
Furniture, household, cases	at per cubic foot	0	1
Fuel, patent	per ton	0	4
Flock	per bag	0	3
Galbanum	per cwt.	0	4
Guano	per ton	1	0
Gallangal	per cwt.	0	4
Galls	per cwt.	0	4
Gates, iron or wood	each	0	2
Gentian root	per cwt.	0	4
Ginger	per cwt.	0	3
Gingerbread	per box	0	4
Ginseng	per cwt.	0	4
Glass	per crib, slide, or case	0	6
Glauber salts	per cwt.	0	2
Glue	per cwt.	0	1
Grapes	per barrel or per jar	0	2
	per half barrel or box	0	1
Granite	per ton	0	2
Grates or stoves	per foot	0	2
Gravel or sand	per ton	0	2
Grease or greaves	per cwt.	0	1
Groats	per cwt.	0	2
Gums	per cwt.	0	4
Gunpowder	per 100 lbs.	0	3
Haberdashery and hosiery in bales	per cwt.	0	4
Ditto ditto in boxes	per foot	0	1
Hair, tanners	per cwt.	0	2½
Bull, cow, ox, goat, and horse	per cwt.	0	3
Hams	per cwt.	0	2
Hanks for sails	per dozen	0	0½
Hardware	per cwt.	0	2
Harrows	each	0	4
Hats	per box, per foot	0	1
Hay	per load or ton	0	6
Hay rakes	per dozen	0	2
Hemp	per ton	1	8
Hides, wet or dry	for every 100 in number	3	6
Hide fleshings	per cwt.	0	2½
Roundings or glue pieces	per cwt.	0	2½
Honey	per gallon	0	1
Hoofs	per cwt.	0	1
Hoops for mast, or white hoops	per dozen	0	1
per load	per load	1	0
Hops	per bag	1	0
	per pocket	0	6
	per end	0	3
Horns, ox and cow, each	per 100	0	4
Hurdles	per dozen	0	2
Indigo	per cwt.	1	6
Iron	per ton	1	0
Iron hoops	per cwt.	0	1
Iron horseshoes	per cwt.	0	1

		s.	d.
Iron Ploughshares	per cwt.	0	1
Stamp heads	per ton	1	0
Furnaces	at per 20 gallons	0	1
(Cast) hollow ware	per cwt.	0	3
Ore	per ton	0	4
Wire and nail rods	per cwt.	0	1
Irons, Bakers, and Pudding Pans	per cwt.	0	1
Patten	per gross	0	6
Isinglass	per cwt.	0	6
Ivory	per cwt.	1	0
Black	per cwt.	0	1
Jack screws	per pair	0	6
or fishing lines	per dozen	0	1
Junk or old rope	per cwt.	0	1
Kelp	per ton	0	6
Lac, gum, stick, seed, and shell	per cwt.	0	4
Ladles	per gross	0	6
Lamp black	per cwt.	0	4
Lanthorns, horn or glass	per dozen	0	1
Lard	per cwt.	0	2
Laths, per 1,000 of 4 feet, and other lengths in proportion		0	4
Lead ore	per ton	0	4
Lead, pigs of	per ton	1	0
Sheet	per cwt.	0	1
Leather, tanned	per cwt.	0	2
wrought	per cwt.	0	3
Lemons	per chest	0	4
	per box	0	2
Lemon, lime, and orange juice	per hogshead	1	0
Lime, burnt	per ton	0	6
Limestone	per ton	0	2
Linen or woollen rags	per cwt.	0	1
Cloth	per cwt.	0	4
Lint cloth, not in bales	per piece	0	3
Liquor, in bottles	per case or box	0	6
Logwood, logwood chips	per cwt.	0	3
Maccaroni	per cwt.	0	4
Mace	per cwt.	1	0
Machinery, steam and other iron engines, and parts of the same	per cwt.	0	1
Ditto, foundation plates, bobs, and pumps for engines	per cwt.	0	1
Ditto, wood and iron mixed	per foot	0	1
Madder and madder roots	per cwt.	0	4
Malt	per quarter	0	2
Manganese	per ton	0	4
Manure (not enumerated)	per ton	0	2
Mats	per dozen	0	1
Maunds or hampers, empty, imported	per dozen	0	1
Melting pots	per dozen	0	1
Millboards	per 120 boards	0	6
Millinery	per foot	0	1
Mops and brushes	per dozen	0	3
Mother-of-pearl shell	per cwt.	0	4
Mundic	per ton	0	2
Munjeet	per cwt.	0	4
Muriate of lime, potash, and soda, each	per cwt.	0	1
Musical instruments	per foot	0	1
Muskets	per dozen	0	6

		s.	d.
Mustard	per firkin of 72 lbs.	0	3
"	per firkin of 36 lbs.	0	2
Nails	per cwt.	0	1
Natron	per ton	1	8
Nests of trunks	per foot	0	1
Nutmegs	per cwt.	1	0
Nuts, French	per Winchester bushel	0	1
Nux vomica	per cwt.	0	4
Oakum	per cwt.	0	1
Oars	per dozen	0	3
Ochre	per cwt.	0	1
Oil, large cans for lighthouses containing 30 gallons, and so in proportion		1	0
Oil, castor	per cwt.	0	4
sperm	per hogshead	1	0
pilchard	per ton	1	0
sweet and lamp, and all oils not enumerated	per hogshead	0	10
in flasks	per chest	0	4
	per half chest	0	2
Oil cake	per ton	1	0
Olives	per barrel	0	2
	per jar	0	1
Onions	per cwt.	0	1
Oranges	per box	0	2
	per chest	0	4
Orange and lemon peel, and buds	per cwt.	0	3
Orchilla weed	per cwt.	0	4
Ox bows	per dozen	0	2
Paints and painters' colours	per cwt.	0	2
Paintings, pictures, and pier glasses	per foot	0	3
Pans, warming	per dozen	0	3
brass	per cwt.	0	6
Paper, stationers	per cwt.	0	4
common	per cwt.	0	1½
Pattens, wood	per gross	0	6
Pepper	per cwt.	0	3
Pewter	per cwt.	0	2
Phials, in packages	per foot	0	1
Pick hilts	per gross	1	0
Pickles	per dozen bottles	0	1
Pimento	per bag of 100 lbs.	0	3
Pins	per cwt.	0	4
Pipes for smoking	per hogshead	1	0
	per box or barrel	0	6
Plaister of Paris	per cwt.	0	1
Ploughs	each	0	6
Plums	per cwt.	0	3
Potatoes	per bushel of 2 cwt.	0	1
Potash	per cwt.	0	1
Powder, hair	per cwt.	0	2
Preserves	per cwt.	0	4
Prunes	per cwt.	0	2
Pumice stone	per ton	0	1
Puncheons empty, and pipes not returned	each	0	2
Quern stones	each	0	6
Quicksilver	per case or package	0	6
Quills, stationers	per 1,000	0	2
miners	per cwt.	0	9

		s.	d.
Raisins and figs	per cwt.	0	2
Rape seed	per quarter	0	4
Rice	per tierce of 4 cwt.	0	8
Rope, coil	per cwt.	0	1
under a hundredweight in proportion.			
Yarn	per cwt.	0	1
Rum	per puncheon, and so in proportion	2	0
Rye grass seeds	per bushel of 24 gallons	0	1
Sago	per cwt.	0	2
Sails	per cwt.	0	4
Sal gem rock salt	per ton	0	6
Salt, fine	per ton	0	4
coarse, for curing fish	per ton	0	3
Saltpetre	per cwt.	0	2
Scythe stones	per 100	0	3
Scythes	per dozen	0	2
Scuttles, coal, copper, or tinplate	per dozen	0	3
Scoops, boat	per dozen	0	1
Fish	per dozen	0	2
Malt	per dozen	0	3
Seed, garden, or agricultural grass seeds	per cwt.	0	3
Segars	per cwt.	0	6
Shakes, not returned, per hogshead, and so in proportion		0	2
Shot, bird	per cwt.	0	3
Shovel handles	per dozen	0	1
Shumac	per cwt.	0	2
Sieves	per dozen	0	3
Silk, raw	per cwt.	1	0
Thrown	per cwt.	2	0
Waste	per cwt.	0	6
Manufactured	per foot on package	0	2
Skins, badger, bear, beaver, deer, elk, ermine, fisher, fox, leopard, lion, martin, otter, panther, seal, tiger	per score	1	0
Horse	per score	0	3
Calf	per score	0	3
Sheep and kid	per dozen	0	3
Cat, chinchilli, mink, raccoon, seal, (hair)	per score	0	6
Goat, fitch, musk-quash, neutria, swan	per score	0	3
Coney, hare, mole	per score	0	1
Slabs, marble	per ton	1	0
Slates, writing	per gross	0	3
Rags	per dozen	0	0½
Scantle	per 1,000	0	3
Common helling	per 1,000	0	2
Slate, earth or tombstones	per foot	0	0¼
Snuff	per cwt.	0	4
Soap	per cwt.	0	2
Soda, sal	per ton	1	0
Soda water	per dozen	0	2
Solder and spelter	per cwt.	0	1½
Spades, garden	per dozen	0	6
Spars. *See* Timber.			
Spermaceti	per cwt.	0	4
Spokes for wheels	per dozen	0	2
Naves, for wheels	per dozen	0	2
Sponge	per cwt.	1	0
per package	under quarter of cwt.	0	6
Stamp lifters	per dozen	0	6

		s.	d.
Starch	per cwt.	0	2
Steel	per cwt.	0	2
Stone, Caen, for millstones	per 100	3	6
Stones, grinding	per cwt.	0	1
not enumerated	per ton	1	0
Straw bonnets, in bales, cases, or casks, or otherwise	per foot	0	1
Plait ditto ditto	per foot	0	2
Succades and sweetmeats	per cwt.	0	4
Sugar, soft	per cwt.	0	1
refined, in barrels or bags	per cwt.	0	2
Candy	per box	0	2
refined	per hogshead	1	4
Sulphur	per cwt.	0	3
Talc	per cwt.	0	4
Tallow	per cwt.	0	1
Tanners poles	per cwt.	0	6
Tapioca	per cwt.	0	3
Tar, pitch, or rosin	per barrel	0	2
Tarras	per cwt.	0	1
Tea	per chest	1	6
	per quarter chest	0	6
	per box	0	3
Terra Japonica	per ton	2	0
Tessera	per barrel	0	2
Thrashing machines	each	2	6
Thrumbs	per cwt.	0	4
Tiles, pan	per score	0	1
Paving	per score	0	1
Malt kilns	per score	0	1
Timber, not enumerated	per load of fifty feet	0	6
Staves, pipe	per 120	0	6
Hogshead	per 120	0	2
Split or sawn staves	per 1,000	1	0
Spars, under 4 inches	per dozen	0	4
under 6 inches	per dozen	0	8
under 8 inches	per dozen	1	0
Mast pieces, under 12 inches	each	0	3
Treenails or trunnels	per 1,000	0	3
Ufers, under 24 feet	per 100	1	0
above 24 feet	per 100	1	6
Wainscot boards	per 100	1	6
Handspikes	per 100	0	6
Lathwood	per fathom	1	0
Lignum vitæ	per cwt.	0	1
Tin, in blocks, ingots, or barrels	per ton	1	0
Tin ore	per ton	0	8
Plate	per box	0	2
Tobacco	per cwt.	0	3
Tongues	per dozen	0	1
Tortoiseshell	per cwt.	1	0
Tow	per ton	1	8
Toys in boxes	per foot	0	1
Treacle or molasses	per puncheon	0	10
Ditto	per half puncheon	0	5
Ditto	per small cask	0	3
Trees for saddles	per dozen	0	3
Trenchers	per gross	0	2
Trucks	each	0	3

		s.	d.
Trundle sticks	per 1,000	0	3
Turnips	per ton	1	0
Turpentine	per cwt.	0	6
Twine or netting	per cwt.	0	3
Types	per cwt.	0	6
Valonia	per ton	2	0
Varnish	per barrel	0	6
Vegetables, shipped	per cwt.	0	1
Venice turpentine	per cwt.	0	4
Verdigris	per cwt.	0	1
Vermicelli	per cwt.	0	6
Vinegar	per pipe	1	0
Ditto	per hogshead	0	6
Ditto	per firkin	0	3
Waste, Braziers, Buttonmakers, Furriers, Soapers, Tanners, Vitriol, Sugar bakers	per cwt.	0	1
Wax	per cwt.	0	2
Whalebone fins	per cwt.	0	4
Ditto ditto	per 12 lbs.	0	2
Wheelbarrows	each	0	4
Whetstones	per gross	0	2
Whip sticks	per bundle	0	1
Whiskey	per puncheon	2	0
Whiting	per cwt.	0	1
Wick yarn, pack	per cwt.	0	3
Wine, foreign	per pipe, all sorts	2	0
British	per pipe	1	6
or strong waters	per hogshead	1	0
	per barrel	0	6
British	per hogshead	0	9
	per firkin	0	3
and liquors in bottles	per dozen	0	2
Winnowing machines	each	2	6
Wool, packs of British	per cwt.	0	3
Spanish, and all other	per cwt.	0	6
Worsted yarn	per cwt.	0	2
Yams	per package	0	2
Zaffree	per cwt.	0	4
Zedoary	per cwt.	0	4

And all other goods and merchandise not herein enumerated five per centum on the amount of the freight thereof.

III.—Rates on Pilchards.

	s.	d.
Pilchards caught by means of boats using the harbour, whether landed within the harbour or not, and cured within the municipal borough of Saint Ives, for every hogshead	0	6
Pilchards caught by means of boats using the harbour, whether landed within the harbour or not, but not cured within the said municipal borough, for every three thousand fish	0	6

TOBERMORY.

Provisional Order of the Board of Trade for the Construction, Maintenance, and Regulation of a Pier at Tobermory in the Island of Mull and County of Argyll.

Whereas, under The General Pier and Harbour Act, 1861, Frederick William Caldwell, of Mishnish, in the Island of Mull and County of Argyll, made application by a memorial to the Lords of the Committee of Her Majesty's Most Honourable Privy Council appointed for the consideration of matters relating to Trade and Foreign Plantations, herein-after called the Board of Trade, praying that a Provisional Order might be granted to authorize and empower him, his heirs and assigns, (among other things) to construct and maintain a pier at Tobermory in the Island and County aforesaid, to be called Mishnish Pier, and to levy and recover the rates in the memorial referred to: Preamble.

And whereas the estimated expenditure on the proposed works is One thousand and four hundred pounds and no more:

And whereas, within the time in the said Act limited in this behalf, the promoter deposited copies of the said memorial and of the plans, sections, and working drawings of the proposed works in the office at Inveraray of the Principal Sheriff Clerk of the County of Argyll, and notice of such deposit was published according to the requirements of the said Act:

And whereas the promoter deposited at the Admiralty Office copies of the said memorial, plans, sections, and working drawings, and on his application the Lords of the Admiralty have given their sanction to the proposed works:

And whereas the promoter prepared a schedule of rates to be levied at the proposed works, and published the same according to the requirements of the said Act, and deposited a printed copy thereof in the office of the said Principal Sheriff Clerk, and transmitted a copy thereof to the Board of Trade, and therewith a statement showing the probable or estimated amount of the rates to be levied at the proposed works, and the estimated amount proposed to be expended on the works:

And whereas the Board of Trade, at the time in the said Act appointed in this behalf, took the said schedule and statement into consideration, and made such inquiries and obtained such further information in reference to the several matters therein set forth as they deemed expedient:

And whereas the said schedule was prepared, published, deposited, and transmitted as aforesaid, before the passing of The General Pier and Harbour Act, 1861, Amendment Act:

And whereas it appears to the Board of Trade to be expedient that the same should be authorized by a Provisional Order, and accordingly the Board of Trade have finally adjusted and fixed the schedule of rates hereto annexed, such rates not exceeding the rates specified in the schedule so prepared, published, deposited, and transmitted as aforesaid:

And whereas the consent in writing of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues to the making of this Provisional Order has been obtained:

And whereas the Board of Trade, after making such inquiries as they have thought expedient, have settled this present Provisional Order, and intend to cause a Bill to be introduced into Parliament for the purpose of obtaining an

Act for the confirmation of this Provisional Order (until which confirmation this Provisional Order will not be of any validity or force whatever):

Now, therefore, the Board of Trade do, by this their Provisional Order, in pursuance of The General Pier and Harbour Act, 1861, and The General Pier and Harbour Act, 1861, Amendment Act, and by virtue and in exercise of the powers thereby respectively in them vested, and of every other power enabling them in this behalf, Order,—

That, from and immediately after the passing of an Act of Parliament confirming this Provisional Order, the following provisions shall take effect and be in force:—

Undertakers.

1. The said Frederick William Caldwell, his heirs and assigns, shall be the undertakers of the works authorized by this Order.

Works.

2. Subject to the provisions of this Order, the undertakers may, in the lines and according to the levels and within the limits of deviation shown on the deposited plans and sections, make and maintain the works shown on the deposited plans.

Description of Pier.

3. The works authorized by this Order comprise the following:—

A pier or jetty, 100 feet in length, or thereabouts, extending in a south-easterly direction from the end of a roadway or approach to be constructed along the northern shore of Tobermory Bay, such roadway or approach running for 160 feet or thereabouts in a south-easterly direction from the termination of the present roadway.

Rates according to Schedule to this Order.

4. The undertakers may demand and receive in respect of the vessels, goods, persons, and things in the Schedule hereto described, any sums not exceeding the rates in that Schedule specified.

Custom House Officers exempt from rates.

5. Officers of Customs being in the execution of their duty, shall at all times have free ingress, passage, and egress, on, into, along, from, and out of the pier by land, and with their vessels, and otherwise, without payment.

Parts of Harbours Clauses Act excepted.

6. The following provisions of The Harbours Docks and Piers Clauses Act, 1847, shall not be incorporated with this Order, namely, sections 16, 17, 18, 19, 49, and 50.

Borrowing.

7. The undertakers may borrow on mortgage or bond at interest, such sums of money as may be required for the purposes of the works authorized by this Order, not exceeding in the whole the sum of 1,400*l.* They shall regularly keep down the interest accruing on the money so borrowed, and shall not allow such interest to accumulate, and shall repay the money borrowed within 50 years from the time of borrowing.

Application of rates.

8. The rates received under this Order shall be applicable for the purposes and in the order following, and not otherwise:—

(1.) In the maintenance of the works authorized by this Order:

(2.) In payment of the interest accruing on any money borrowed under the authority of this Order, and in repayment of the principal of such money:

(3.) To the proper use of the undertakers.

Short Title.

9. This Order may be cited as The Mishnish Pier, Tobermory, Order, 1862.

Board of Trade, Whitehall,
Dated this 19th day of May 1862.

(Signed) T. H. Farrer,
Assistant Secretary.

SCHE-

SCHEDULE.

I.—Rates on Vessels using the Pier.

		s.	d.
For every decked or partly decked vessel:—			
Under the burden of twenty tons	per ton	0	4
Of the burden of twenty tons and not exceeding one hundred tons	per ton	0	6
Of the burden of one hundred tons and upwards	per ton	0	10

II.—Rates on Herring Boats, &c.

For every herring boat, and every undecked boat coming to the pier with herrings or fresh fish, or landing or taking on board goods or dried or salted fish, each		0	4

III.—Rates on Passengers.

For every person landing from or embarking in any vessel at the pier		0	3

IV.—Rates on Animals and Goods shipped or unshipped at the Pier.

Ale, beer, or porter	per hogshead	0	4
Bark, in bulk	per ton	1	0
Beef, fresh or salted, or other provisions	per barrel	0	2
Bones	per ton	0	6
Bone dust	per ton	0	8
Bricks	per 1,000	0	8
Butter	per cwt.	0	2
Carriages with four wheels	each	0	8
Carriages with two wheels	each	0	6
Cattle, viz.:—			
Bulls	each	0	3
Cows and oxen	each	0	2
Calves	each	0	0½
Horses, asses, and mules	each	0	2
Pigs	each	0	0½
Sheep	per score	0	6
Lambs	per score	0	3
Chalk	per ton	0	8
Cheese	per cwt.	0	6
Cloth, haberdashery, &c.	per barrel bulk	0	2
Coach or cart wheeels	per pair	0	3
Coal	per ton	0	3
Copper	per ton	1	4
Cordage	per ton	5	0
Dogs (sporting only)	each	0	2
Earthenware	per crate	0	8
Eggs	per barrel bulk	0	2
Empty barrels	each	0	0½
Fish, salted or dry	per barrel bulk	0	2
Flax	per ton	1	4
Flour	per sack	0	2
Ditto	per barrel	0	1½
Fowls and ducks, live	per dozen	0	2
Geese and turkeys, live	each	0	1
Glass	per barrel bulk	0	3
Grain, viz., wheat and malt	per quarter	0	3
Barley, bear, pease, beans, oats, and all other descriptions of grain	per quarter	0	2

		s.	d.
Grease	per cwt.	0	2
Groceries	per barrel bulk	0	3
Guano and artificial manures	per ton	0	8
Hardware	per barrel bulk	0	3
Hay	per ton	0	8
Hemp and cotton, unwrought	per ton	1	4
Herrings, fresh	per cran	0	1
Ditto, cured	per barrel	0	3
Hides	per ton	1	4
Iron, pig or old	per ton	0	8
Ditto, bar, bolt, or rod	per ton	1	4
Kelp	per ton	0	8
Lathwood	per fathom	2	6
Lead of all kinds, and zinc	per ton	1	4
Leather	per ton	1	4
Lime	per chaldron	1	4
Limestone	per ton	0	3
Machinery	per ton	1	4
Manure	per ton	0	2
Meal and flour	per bag of 280 lbs.	0	2
Milk	per 3 large pitchers	0	0½
Millstones	each	0	8
Oakum	per ton	2	6
Oil	per tun	1	0
Oil-cake	per ton	1	0
Peats	per ton	0	3
Potatoes	per ton	0	6
Poultry, including pigeons, game, and other birds	per dozen	0	1
Ropes and rags (old)	per ton	0	10
Salt	per ton	0	10
Sand	per ton	0	3
Seeds	per 8 bushels	0	2
Slates, under size	per 1,000	0	6
Ditto, sizeable	per 1,000	0	10
Ditto, over size	per 1,000	1	4
Soda water or lemonade	per gross of 144 bottles	1	0
Spirits	per hogshead of 56 gallons	0	8
Stones, paving or dressed	per ton	0	4
Ditto, others	per ton	0	3
Stucco	per ton	0	6
Sugar	per ton	1	4
Tallow	per ton	1	4
Tar	per barrel	0	2
Tea	per chest	0	3
Tiles or pipes for draining	per 1,000	0	8
Ditto, roofing	per 1,000	0	9
Timber, unwrought, of all kinds	per load of 50 cubic feet	0	10
Wine in cask	per hogshead	0	8
Ditto in bottle	per barrel bulk	0	4
Wool	per cwt.	0	2
Yarn	per ton	1	4

All other unenumerated articles to pay at landing or shipping :—

If by measurement	per barrel bulk	0	2
If by weight	per ton	1	4

Articles which can be measured to pay by barrel bulk, all others by weight.

In charging the rates on goods, the gross weight or measurement of all goods to be taken, and for any less weights, measures, and quantities than those above specified, a proportion of the respective rate shall be charged.

Five cubic feet, not exceeding two and a half hundredweight, to be rated as a barrel bulk; but when the weight of five cubic feet is greater than two and a half hundredweight, then two and a half hundredweight to be rated as a barrel bulk.

V.—RATES FOR THE USE OF SHEDS, CRANES, AND WEIGHING MACHINES.

1.—*Sheds.*

For each ton of goods of 8 barrels bulk, or for each ton of goods of 20 cwt., which shall remain in any shed or on the Pier for a longer time than 48 hours, the sum of 3*d.*; and the sum of one 1½*d.* per ton for each day during which such goods shall remain after the first 48 hours.

2.—*Cranes.*

	s.	*d.*
All goods or packages not exceeding one ton	0	3
Exceeding one ton and not exceeding two tons	0	4
Exceeding two tons and not exceeding three tons	0	6
Exceeding three tons and not exceeding four tons	0	8
Exceeding four tons and not exceeding five tons	0	10
Exceeding five tons and not exceeding six tons	1	0
Exceeding six tons and not exceeding seven tons	1	2
Exceeding seven tons and not exceeding eight tons	1	4
Exceeding eight tons and not exceeding nine tons	1	8
Exceeding nine tons and not exceeding ten tons	2	0
Exceeding ten tons	3	0

3.—*Weighing Machines.*

For goods weighed, 1*d.* for each ton or part of a ton.

HASTINGS.

Provisional Order of the Board of Trade for the Construction, Maintenance, and Regulation of a Pier and Harbour at Hastings in the County of Sussex.

Whereas, under The General Pier and Harbour Act, 1861, the promoters of the Hastings Pier and Harbour made application by a memorial to the Lords of the Committee of Her Majesty's Most Honourable Privy Council appointed for the consideration of matters relating to Trade and Foreign Plantations, herein-after called the Board of Trade, setting forth the necessity of a Pier and Harbour at Hastings in the County of Sussex, and praying their Lordships to approve of the project thus submitted, and to grant a Provisional Order for its execution, containing powers and privileges for the complete execution of the works, and for the levying of rates and tolls, not exceeding those in the memorial referred to, and also for the incorporation of a Company, with power to transfer the execution of the proposed works to the Mayor and Corporation of Hastings: Preamble.

And whereas the estimated expenditure on the proposed works is seventy-five thousand pounds and no more:

And whereas, within the time in the said Act limited in this behalf, the promoters deposited copies of the said memorial and of the plans, sections, and working drawings of the proposed works at the office of the Clerk of the Peace for the County of Sussex, and notice of such deposit was published according to the requirements of the said Act:

And whereas the promoters deposited at the Admiralty Office copies of the said memorial, plans, sections, and working drawings, and on the application of the promoters the Lords of the Admiralty have given their sanction to the proposed works:

And whereas the promoters prepared a schedule of rates to be levied at the proposed works, and published the same, according to the requirements of the said Act, and deposited a printed copy thereof at the office of the said Clerk of the Peace, and transmitted a copy thereof to the Board of Trade, and therewith a statement showing the probable or estimated amount of the rates to be levied at the proposed works, and also the estimated amount proposed to be expended on the works:

And whereas certain objections to the said schedule were forwarded in writing to the Board of Trade, within the time in the said Act limited in this behalf:

And whereas the Board of Trade, at the time in the said Act appointed in this behalf, took the said schedule and statement into consideration, and made such inquiries and obtained such further information in reference to the several matters therein set forth and to the objections aforesaid as they deemed expedient:

And whereas the said schedule was prepared, published, deposited, and transmitted as aforesaid before the passing of The General Pier and Harbour Act, 1861, Amendment Act:

And whereas it appears to the Board of Trade to be expedient that the same, as modified on the objections aforesaid, and with the omission of part thereof, should be authorized by a Provisional Order, and accordingly the Board of Trade have finally adjusted and fixed the schedule of rates hereto annexed, such rates not exceeding the rates specified in the schedule so prepared, published, deposited, and transmitted, and so modified as aforesaid:

And whereas the consent in writing of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues to the making of this Provisional Order has been obtained:

And whereas the Board of Trade, after making such inquiries as they have thought expedient, have settled this present Provisional Order, and intend to cause a Bill to be introduced into Parliament for the purpose of obtaining an Act for the confirmation of this Provisional Order (until which confirmation this Provisional Order will not be of any validity or force whatever):

Now, therefore, the Board of Trade do by this their Provisional Order, in pursuance of The General Pier and Harbour Act, 1861, and The General Pier and Harbour Act, 1861, Amendment Act, and by virtue and in exercise of the powers thereby respectively in them vested, and of every other power enabling them in this behalf, Order,—

That, from and immediately after the passing of an Act of Parliament confirming this Provisional Order, the following provisions shall take effect and be in force:—

Hastings

Hastings Pier and Harbour Company.

1. The following persons, namely,—The Honourable William Henry Yelverton, Charles Appleyard, William Browne, and Henry Aldridge Parry,—and all other persons and corporations who have subscribed or shall subscribe to the undertaking by this Order authorized, and their executors, administrators, successors, and assigns respectively, shall be and are hereby united into a company for the purpose of making and maintaining the Pier and Harbour and works by this Order authorized, and for the other purposes of this Order; and for those purposes shall be and are hereby incorporated by the name of The Hastings Pier and Harbour Company; and by that name shall be one body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of, lands and other property, for the purposes, but subject to the restrictions, of this Order. Incorporation of Company.

2. The Hastings Pier and Harbour Company, herein-after called the Company, shall be the undertakers of the works authorized by this Order. The undertakers.

3. The Companies Clauses Consolidation Act, 1845, shall be incorporated with this Order. Companies Clauses Act incorporated.

4. The capital of the Company shall be 80,000*l.* in 16,000 shares of 5*l.* each. Capital.

5. No call shall exceed 2*l.* per share; successive calls shall not be made at a less interval than three months. Calls.

6. The Company may borrow on mortgage or bond, at interest, such sums of money as may be required for the purposes of the works authorized by this Order; but no money shall be so borrowed until the whole of the capital of 80,000*l.* is subscribed for or taken, and until one half thereof is paid up, and until the Company prove to the Justice who is to certify under The Companies Clauses Consolidation Act, 1845, section 40, before he so certifies, that all such capital has been subscribed for bonâ fide, and is held by subscribers or their assigns, and for which such subscribers or their assigns are legally liable. Borrowing.

7. The mortgagees of the Company may enforce the payment of the arrears of interest, or of the arrears of principal and interest, due on their respective mortgages, by the appointment of a receiver. The amount to authorize a requisition for a receiver shall be 1,000*l.* Receiver.

8. The Company shall not out of any money raised by calls or borrowing pay interest or dividend to any shareholder on the amount of calls made in respect of shares held by him; but this provision shall not prevent the Company paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the provisions of The Companies Clauses Consolidation Act, 1845. No interest or dividend on calls.

9. The Company shall not out of any money so raised pay or deposit any money that may be required to be paid or deposited in relation to any application to Parliament or the Board of Trade. Money not to be used for deposit under Standing Orders, &c.

10. Every part of the money so raised shall be applied only for purposes by this Order authorized. Money to be applied to purposes of Order.

11. The first general meeting of the Company shall be held within three months after the passing of an Act of Parliament confirming this Order. First general meeting.

12. The number of Directors shall be five, with power to the Company to reduce the number, but not below three. Number of Directors.

Quorum of Directors.

13. The quorum of a meeting of Directors shall be three, unless and until the number of Directors be reduced to three, when the quorum shall be two.

First Directors.

14. The four persons herein-before named, and such other qualified person as the said four persons, or any two of them, shall nominate, shall be the first Directors.

Qualification of Directors.

15. The qualification of a Director elected by the shareholders, or nominated as aforesaid, shall be the possession in his own right of 20 shares.

Taking of Lands.

Power to take specified lands by agreement.

16. For the purposes of the works by this Order authorized, the Company may from time to time, by agreement, enter on, take, or use all or any part of the lands shown on the deposited plans as intended to be taken for the purposes of the proposed works.

Lands Clauses Acts incorporated.

17. The Lands Clauses Consolidation Act, 1845, except with respect to the purchase and taking of lands otherwise than by agreement, and The Lands Clauses Consolidation Acts Amendment Act, 1860, shall be incorporated with this Order.

Works.

Power to make works.

18. Subject to the provisions of this Order, the Company may, on the lands taken by them under this Order, and in the lines and according to the levels and within the limits of deviation shown on the deposited plans and sections, make and maintain the works shown on the deposited plans.

Description of Pier and Harbour.

19. The works by this Order authorized comprise the following:—

(1.) A pier, commencing from the site of the Old Fort on the west, and extending about 1,650 feet in a southerly direction, then taking a curve to the eastward, and running in an easterly direction for 1,230 feet:

(2.) A pier or breakwater, commencing about 1,200 feet eastward of the other, from the "Rock-a-Nore," and being carried to the extent of 1,650 feet in a line nearly parallel to the western pier.

Rates.

Power to take rates according to Schedule to this Order.

20. The Company may demand and receive in respect of the vessels, goods, persons and things in the Schedule hereto described, any sums not exceeding the rates in that Schedule specified.

Custom House Officers exempt from rates.

21. Officers of Customs being in the execution of their duty, shall at all times have free ingress, passage, and egress, on, into, along, through, and out of the Pier and Harbour, by land, and with their vessels, and otherwise, without payment.

General Provisions.

Lands for extraordinary purposes.

22. The Company shall not purchase for extraordinary purposes lands exceeding in extent in the whole two acres.

Meters and weighers.

23. The Company shall have the appointment of meters and weighers on and within the Pier and Harbour: subject to this restriction,—that so long as the Hastings Local Board of Health shall, under any powers given or to be given to them by any Act of Parliament, appoint a sufficient number of persons to be meters of coals within the Borough of Hastings, the Company shall from time to time appoint and license the same persons and no others to be meters of

of coals on and within the Pier and Harbour, and shall not levy any rate in respect of the weighing of coal.

24. The Company may provide such steam-engines, steam-vessels, piling engines, diving bells, ballast lighters, rubbish lighters, and other machinery and vessels, as they may think necessary for effectuating any of the purposes of this Order; and may demand and receive such sums for the use of the same as they may think reasonable. **Steam engines, diving bells, lighters, &c.**

25. The Company shall be a Pilotage Authority and a Local Authority within the meaning of The Merchant Shipping Act, 1854, with all the powers by that Act conferred on pilotage authorities and on local authorities. **Pilotage, lights, buoys, and beacons.**

26. Part V. of The Harbours and Passing Tolls, &c. Act, 1861, shall apply to the Pier and Harbour authorized by this Order. **Part V. of 24 & 25 Vict. c. 47. to apply.**

27. If at any time after the passing of an Act confirming this Order, the Mayor, Aldermen, and Burgesses of the Borough of Hastings, by the Council of the Borough, shall express in writing under their Corporate Seal to the Company their desire to become the owners of the Pier and Harbour and works by this Order authorized, the Company may and shall, by deed under their Common Seal, transfer to the Council the Pier and Harbour and works, or proposed Pier and Harbour and works; and thereupon the Council shall have (as far as may be) all the powers and rights by this Order granted to the Company in relation to the Pier and Harbour and works: Provided nevertheless as follows:— **Power to Company to transfer Pier and Harbour to Corporation of Borough on demand of Corporation.**

(1.) No such deed of transfer shall have any effect unless and until the terms thereof are approved by the Board of Trade:

(2.) If the Company and the Council differ as to the terms of transfer, the difference shall be settled by an arbitrator appointed by the Board of Trade:

(3.) Nothing in this Order or in any such deed of transfer shall empower the Council to rate or otherwise involve the Borough of Hastings for or in respect of the construction or maintenance of the Pier and Harbour and works by this Order authorized.

28. This Order may be cited as The Hastings Pier and Harbour Order, 1862. **Short Title.**

Board of Trade, Whitehall.

Dated this 23rd day of May 1862.

(Signed) T. H. Farrer,
Assistant Secretary.

SCHEDULE.

I.—Rates on Vessels using the Pier or entering or using the Harbour.

		s.	d.
For every vessel shipping or unshipping goods -	per registered ton	0	9
For every other vessel - - - -	per registered ton	0	6
All lighters from any vessel in the roads shall be exempt from rates, but if the vessel do not use the Pier or enter the Harbour, every lighter shall pay for each trip - - - -	per ton	0	2
All boats entirely open, landing or taking on board goods, or dried or salted fish - - - - - -	each	0	6
All drave or large boats using the Pier or entering the Harbour with fresh fish - - - - - -	each	0	4

II.—Rates of Goods shipped or unshipped at the Pier or Harbour.

		s.	d.
Ale	per hogshead	0	6
Ale, bottled	per barrel bulk	0	3
Anchor	per cwt.	0	9
Anchor stock	per foot run	0	2
Bark	per ton	1	0
Bedding (seaman's)		0	3
Beef or pork	per ton	1	4
Beef or pork	per barrel	0	2
Blubber	per ton of 252 gallons	1	0
Bone dust	per ton	0	8
Bones of cattle	per ton	0	6
Bottles	per gross	0	2
Bricks	per 1,000	0	8
Butter	per barrel	0	4
Canvas sails	per barrel bulk	0	2
Casks, empty, not being returned packages	per puncheon	0	3
Other casks in proportion.			
Cattle:—			
Bulls	each	0	3
Cows and oxen	each	0	2
Calves	each	0	0½
Horses	each	0	2
Pigs	each	0	0½
Sheep	per score	0	6
Lambs	per score	0	3
Chalk	per ton	0	8
Cheese	per cwt.	0	4
Chimney cans	per 100	1	4
Clay, fire, manufactured	per ton	0	6
Clay, common	per ton	0	2
Cloth, haberdashery, &c.	per barrel bulk	0	2
Coaches:—			
Chaises, and other four-wheeled carriages	each	0	8
Gigs, carts, and other two-wheeled carriages	each	0	6
Coals, Scotch, English, smithy, and culm	per ton	0	3
Copper	per ton	1	4
Corks	per barrel bulk	0	2
Corn, viz.:—			
Wheat and malt	per quarter	0	3
Barley, beans, peas, tares, oats, rye, buckwheat, and Indian corn	per quarter	0	2
Crystal	per barrel bulk	0	2
Dissolved bones and other artificial manures	per ton	0	8
Dogs (sporting only)	each	0	2
Drugs	per barrel bulk	0	3
Earthenware	per crate	0	8
Eggs	per barrel bulk	0	2
Fish, dried and salted	per ton	1	4
Haddocks, cod, salmon, and all fresh fish not enumerated,	per barrel bulk	0	2
Flax	per ton	1	4
Flour	per sack	0	2
Flour	in barrel	0	1½
Fruit	per bushel or sieve	0	2
Glass	per barrel bulk	0	3

		s.	d.
Groceries, viz.:—			
Almonds, figs, cinnamon, currants, pepper, pimento, plums, prunes, raisins, and the like	per barrel bulk	0	3
Guano	per ton	0	8
Gunpowder	per barrel	0	3
Hams, bacon, or tongues	per cwt.	0	3
Hardware	per barrel bulk	0	3
Hares and rabbits	per dozen	0	2
Any less quantity		0	1
Hay	per ton	0	8
Hemp	per ton	1	4
Herrings fresh	per cran	0	1
Ditto, cured	per barrel	0	3
Hides:—			
Ox, cow, or horse, salted or dried	per ton	1	4
Calf skins	per 120	0	10
Sheep skins	per 120	0	10
Lamb skins	per 120	0	5
Hoops of wood	per 1,500	1	0
Household furniture, new	per barrel bulk	0	1
Household furniture belonging to parties changing their residences only	per 10 barrels bulk	0	6
Husbandry utensils	per ton	1	4
Ditto	per barrel bulk	0	2
Iron:—			
Bar, bolt, and rod	per ton	1	4
Pig and old	per ton	0	8
Chain cables	per ton	1	4
Manufactured, cast and wrought	per cwt.	0	2
Kelp	per ton	0	8
Lead of all kinds	per ton	1	4
Leather, tanned and dressed	per ton	1	4
Lime	per chaldron of 16 bolls	1	4
Limestone	per ton	0	3
Loam or moulding sand	per ton	0	3
Machinery	per ton	1	4
Machinery	per barrel bulk	0	3
Manure, street	per ton	0	2
Masts or spars, ten inches in diameter and upwards	each	4	6
Under ten inches	each	3	0
Meal	per bag of 280 lbs.	0	2
Meat, fresh	per ton	1	4
Meat, fresh	per barrel	0	2
Milk	per three large pitchers	0	0½
Musical instruments	per barrel bulk	0	3
Oils	per tun	1	0
Ores:—			
Copper, iron, lead, and other ores	per ton	0	8
Oysters	per bushel	0	3
Oysters	per firkin or smaller bushel	0	3
Passengers' luggage, not exceeding four barrels bulk, free.			
All above four barrels bulk	per barrel bulk	0	3
Peats	per ton	0	3
Pitch	per barrel	0	3
Porter	per hogshead	0	4
Porter, bottled	per barrel bulk	0	2
Potatoes	per ton	0	6
Poultry, including pigeons, game, &c.	per dozen	0	1
Any less quantity		0	0½

		s.	d.
Rags, linen	per ton	1	4
Other rags, old rope, and the like	per ton	0	10
Rape cakes	per ton	0	8
Salt	per ton	0	10
Seeds, flax and rape	per hogshead	0	6
Flax	per barrel	0	3
Flax	per quarter	0	2
Clover	per ton	1	4
Seeds, garden	per ton	1	4
Hemp and canary	per ton	1	4
Rye grass	per 8 bushels	0	2
Shrimp baskets	each	0	2
Skins, seal	per 120	0	8
Slates	per ton	0	6
Spirits, foreign and British	per hogshead of 56 gallons	0	8
Stones, rubble	per ton of 16 cubic feet	0	2
Hewn ashlar freestone	per ton of 16 cubic feet	0	4
Rough ashlar freestone	per ton of 16 cubic feet	0	3
Stones, pavement, not exceeding 3 inches thick	per 70 feet	0	4
Pavement, above 3 inches thick	per 16 cubic feet	0	4
Scythe stones	per score	0	1
Millstones	each	0	8
Steel	per ton	1	4
Sugar	per ton	1	4
Tallow	per ton	1	4
Tar	per barrel	0	2
Tea	per chest	0	3
Tiles, roofing	per 1,000	0	9
Tiles or pipes for draining	per 1,000	0	8
Tin of all kinds	per ton	1	4
Tobacco	per ton	2	6
Treenails under 2 feet in length	per 1,000	0	6
Treenails exceeding 2 feet in length	per 1,000	1	0
Turnips	per ton	0	6
Turpentine	per hogshead	0	8
Vegetables	per cartload	0	2
Vinegar	per hogshead	0	6
Vitriol	per carboy	0	2
Water	per ton	0	6
Whalebone	per ton	2	6
Wine	per hogshead	0	8
Wine, bottled	per barrel bulk	0	4
Wood:—			
Fir, pine, and other descriptions not enumerated,	per load of 50 feet	0	10
Oak or wainscot	per load of 50 feet	1	0
Firewood	per fathom	0	6
Laths and lathwood	per fathom of 216 cubic feet	2	6
Handspokes	per 120	0	10
Oars	per 120	2	6
Spars under 22 feet in length, above 2½ and under 4 inches diameter	per 120	2	6
Spars, 2½ inches in diameter and under	per 120	1	4
Spars, 22 feet in length and upwards, and not exceeding 4 inches in diameter	per 120	6	6
Spars of all lengths, above 4 and under 6 inches in diameter,	per 120	12	0
Spokes of wheels not exceeding 2 feet in length	per 120	0	4
Spokes of wheels exceeding 2 feet in length	per 120	0	6

		s.	d.
Wood—*cont.*			
Wedges	per 1,000	1	0
Pipe staves and others in proportion	per standard hundred	1	0
Lignum vitæ, fustic, logwood, mahogany, and rosewood	per ton	1	4
Wool	per cwt.	0	2
Yarn	per ton	1	4
Zinc	per ton	1	4

All other Goods not particularly enumerated above.

Light goods	per barrel bulk	0	2
Heavy goods	per ton	1	4

In charging the rates on goods the gross weight or measurement of all goods to be taken; and for any less weights, measures, and quantities than those above specified, a proportion of the respective rates shall be charged.

Five cubic feet, not exceeding 2½ cwt., to be rated as a barrel bulk; but when the weight of five cubic feet is greater than 2½ cwt. then 2½ cwt. to be rated as a barrel bulk.

III.—Rates for the Use of Cranes, Weighing Machines, and Sheds.

1*st. Rates of Craneage.*

	s.	d.
All goods or packages not exceeding one ton	0	3
Exceeding one ton, and not exceeding two tons	0	4
Exceeding two tons, and not exceeding three tons	0	6
Exceeding three tons, and not exceeding four tons	0	8
Exceeding four tons, and not exceeding five tons	0	10
Exceeding five tons, and not exceeding six tons	1	0
Exceeding six tons, and not exceeding seven tons	1	2
Exceeding seven tons, and not exceeding eight tons	1	4
Exceeding eight tons, and not exceeding nine tons	1	8
Exceeding nine tons, and not exceeding ten tons	2	0
Exceeding ten tons	3	0

2*nd. Weighing Machines.*

For goods weighed, 1*d.* for each ton, or part of a ton.

3*rd. Shed Dues.*

For each ton of goods of 8 barrels bulk, or for each ton of goods of 20 cwt. which shall remain in the sheds or other works of the Pier, or on the quays of the Harbour, for a longer time than 48 hours, the sum of 3*d.*; and the sum of 1½*d.* per ton for each day during which such goods shall remain after the first 48 hours.

And for every portmanteau, trunk, parcel, or any other article of passengers luggage, for each day or part of a day - per package 0 2

IV.—Rates on Passengers landing on or embarking from the Pier.

	£	s.	d.
For every passenger or other person who shall land on the said Pier from, or embark from it on board of any ship, vessel, packet, or passage boat, not being boats or vessels used for pleasure only, for each and every time, any sum not exceeding	0	0	2
For every person who shall land on the said Pier from, or embark from it on board of any boat or vessel used for pleasure only, for each and every time, any sum not exceeding	0	0	6

	£	s.	d.
For every person who shall use the said Pier for the purpose of walking for exercise, pleasure, or any other purpose, except for embarking or disembarking, for each and every time, any sum not exceeding - - - - - -	0	0	2
For every master of any vessel, boat, or wherry, being an inhabitant of the town of Hastings, or sending men on and using the said Pier and other works, for the purpose of going on or returning from their own vessels, boat, or wherry, an annual sum not exceeding - - - - - -	1	0	0

Pier and Harbour Orders Confirmation.

A

B I L L

[AS AMENDED IN COMMITTEE]

For confirming, with Amendments, certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act, 1861, and the General Pier and Harbour Act, 1861, Amendment Act, relating to Carrickfergus, Deal, Oban, Saint Ives, Tobermory, and Hastings.

(*Prepared and brought in by Mr. Massey, Mr. Milner Gibson, and Mr. Hutt.*)

Ordered, by The House of Commons, *to be Printed,* 27 *June* 1862.

[Bill 171.]

Under 6 *oz.*

26 *May* 1862. 25 Vict.

A

BILL

TO

Amend the Law for rendering more effectual the Police in Counties and Boroughs in England and Wales.

WHEREAS an Act was passed in the Nineteenth and Twentieth Years of Her Majesty, Chapter Sixty-nine, to render more effectual the Police in Counties and Boroughs in England and Wales: And whereas it is expedient that further Powers should be granted to the Police established under the said recited Act and the Acts therein mentioned, for the more effectual Prevention and Detection of Crimes, and that the said recited Act should be amended: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preamble. 19 & 20 Vict. c. 69.

1. It shall be lawful for any Constable belonging to the Police in any County or Borough in England or Wales, established under the Provisions of the said recited Act, or any of the Acts therein mentioned, to take into Custody, without a Warrant, all loose, idle, and disorderly Persons whom he shall find disturbing the Public Peace, or whom he shall have good Cause to suspect of having committed or being about to commit any Felony, Misdemeanor, Breach of

Police Constables of any County or Borough in England or Wales may apprehend without Warrant in certain Cases.

of the Peace, and all Persons whom he shall find between *Sunset* and the Hour of *Eight* in the Morning lying or loitering in any Highway, Yard, or other Place, and not giving a satisfactory Account of themselves.

Power to such Police Constables and to Persons aggrieved to apprehend certain Offenders.

2. Any Person found committing any Offence punishable either upon Indictment, or as a Misdemeanor upon summary Conviction, may be taken into Custody, without a Warrant, by any such Constable, or may be apprehended by the Owner of the Property on or with respect to which the Offence shall be committed, or by his Servant, or any Person authorized by him, and may be detained until he can be delivered into the Custody of any such Constable to be dealt with according to Law; and every such Constable may also stop, search, and detain any Vessel, Boat, Cart, or Carriage in or upon which there shall be reason to suspect that anything stolen or unlawfully obtained may be found, and also any Person who may be reasonably suspected of having or conveying in any Manner anything stolen or unlawfully obtained; and any Person to whom any Property shall be offered to be sold, pawned, or delivered, if he shall have reasonable Cause to suspect that any such Offence has been committed with respect to such Property, or that the same or any Part thereof has been stolen or otherwise unlawfully obtained, is hereby authorized, and if in his Power is required, to apprehend and detain, and as soon as may be to deliver such Offender into the Custody of any such Constable, together with such Property, to be dealt with according to Law.

Recited Act and this Act to be construed as One Act.

3. The said Act of the Nineteenth and Twentieth Years of Her Majesty, Chapter Sixty-nine, and this Act, shall be construed together as One Act.

Police (Counties and Boroughs).

A

BILL

To amend the Law for rendering more effectual the Police in Counties and Boroughs in England and Wales.

(*Prepared and brought in by Sir Henry Stracey and Mr. Staniland.*)

Ordered, by The House of Commons, *to be Printed,* 26 *May* 1862.

[Bill 138.]

Under 1 *oz.*

Police and Improvement (Scotland) Bill.

ARRANGEMENT OF CLAUSES.

Repeal of Acts; Sect. 1.
Short Title; 2.
Interpretation Clause; 3.

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(1.) *Boundaries of Burghs.*

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Parliamentary Burghs; 5.
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(3.) *Adoption of Act by Householders.*

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Meetings to be intimated; 25.
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(4.) *Commissioners in Royal and Parliamentary Burghs and Burghs of Regality and Barony.*

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SCHEDULES.

A

BILL

TO

Make more effectual Provision for regulating the Police of Towns and populous Places in Scotland, and for lighting, cleansing, paving, draining, supplying Water to and improving the same, and also for promoting the Public Health thereof.

WHEREAS an Act was passed in the Thirteenth and Fourteenth Year of the Reign of Her present Majesty, intituled "An Act to make more effectual Provision for "regulating the Police of Towns and populous Places in Scotland, "and for paving, draining, cleansing, lighting, and improving the "same:" And whereas an Act was passed in the Nineteenth and Twentieth Year of the Reign of Her present Majesty, intituled "An "Act to make better Provision for the Removal of Nuisances, "Regulation of Lodging Houses, and the Health of Towns in "Scotland:" And whereas an Act was passed in the Twenty-third and Twenty-fourth Year of the Reign of Her present Majesty, intituled "An Act to amend the Police of Towns Improvement Act, so as to "enable Towns and populous Places in Scotland to avail themselves "of its Provisions for sanitary and other Improvements, without at

13 & 14 Vict. c. 33.

19 & 20 Vict. c. 103.

23 & 24 Vict. c. 96.

" the same Time adopting its Provisions as regards the Establishment " and Maintenance of a Police Force:" And whereas it is expedient to make more effectual Provision for regulating the Police of Towns and populous Places in Scotland, and also for lighting, cleansing, paving, draining, supplying Water to and otherwise improving the same: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same:

Repeal of Acts.

1. The first and third recited Acts, and Sections Sixty to Seventy, both inclusive, of the second-recited Act, shall be and the same are hereby repealed, except only as regards any Burghs in which the Provisions of the said Acts or any Part thereof have, on or before the *First* Day of *August One thousand eight hundred and sixty-two*, been adopted, either in the Manner provided by the first-recited Act, or by the Incorporation of such Provisions or any Part thereof with any Local or Special Act relating to any such Burgh.

Short Title.

2. This Act may be cited for all Purposes as "The General Police and Improvement (Scotland) Act, 1862."

Interpretation of Terms.

3. The following Words and Expressions in this Act shall have the Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; that is to say,

The Expression "Royal Burgh" shall mean a Burgh having Magistrates and Councillors elected under the Powers of the Public General Act, Third and Fourth William the Fourth, Chapter Seventy-six:

The Expression "Parliamentary Burgh" shall mean a Burgh having Magistrates and Councillors elected under the Powers of the Public General Act, Third and Fourth William the Fourth, Chapter Seventy-seven:

The Word "Burgh," when used alone, shall include not only Royal Burgh, Parliamentary Burgh, and Burgh of Regality and Barony, but also any populous Place the Boundaries whereof have been fixed and ascertained under the Provisions of the first-recited Act or of this Act:

The Expression "Parliamentary Boundaries" shall mean the Boundaries of Burghs as fixed by the Public General Act, Second and Third William the Fourth, Chapter Sixty-five:

The Expression "populous Place" shall mean any Town, Village, Place, or Locality, not being a Burgh to which Magistrates and Councillors

Councillors were provided by either of the said Acts, Third and Fourth William the Fourth, Chapters Seventy-six and Seventy-seven, containing a Population of *Three* hundred Inhabitants or upwards:

5 The Word "Person," and Words applying to any Person or Individual, shall apply to and include Companies and Corporations:

The Word "Householder" shall mean a Male Occupier of Lands or Premises of the yearly Value of Ten Pounds or upwards:

10 The Word "Occupier" shall include Tenant, but shall not include a Lodger or a Party in the Occupation as Tenant of a furnished House let for a less Period than *One Year*, but shall include the Party by whom such furnished House is so let:

The Word "County" shall include Stewartry:

15 The Word "Sheriff" shall mean the Sheriff of and acting in the County of which he is Sheriff, and shall include Sheriff Substitute, and also Steward and Steward Substitute:

The Expression "the Commissioners" shall mean the Commissioners for the Purposes of this Act acting in and for a Burgh by
20 which this Act has been in whole or in part adopted:

The Words "Magistrates" or "Magistrates and Council" shall include the Lord Provost or Provost:

The Word "Magistrates" shall mean a Magistrate having Police Jurisdiction under this Act:

25 The Words "Clerk," "Treasurer," and "Collector" shall mean the Clerk, Treasurer, and Collector respectively appointed by the Commissioners under the Provisions of this Act:

The Word "Lands" and the Word "Premises" shall include all Lands, Springs, Rights of Servitude, Dwelling Houses, Shops,
30 Warehouses, Vaults, Cellars, Stables, Breweries, Manufactories, Mills, Yards, Places, and other Heritages:

The Word "Street" shall extend to and include any Road, Bridge, Quay, Lane, Square, Court, Alley, Close, Wynd, Vennel, Thoroughfare, and public Passage or other Place within the
35 Burgh used either by Carts or Foot Passengers, or which is by this Act, or shall hereafter, in pursuance thereof, be declared a public Street:

The Expression "private Street" shall mean any Road, Street, or Place within the Burgh used by Carts, and either accessible to
40 the Public from a public Street, or forming a common Access to Lands and Heritages separately occupied, and which has not been maintained by the Police, and is not by this Act, or shall not hereafter be, in pursuance thereof, declared a public Street:

The Word "Owner" shall include Fiar, Liferenter, Feuar, or other Person in the actual Possession or Receipt of the Rents of Tenements, Lands, and Heritages of every Tenure or Description, and the Factor, Agent, or Commissioners of such Persons, or any of them, who shall intromit with or draw the Rents: 5

The Expression "Private Improvement Assessment" shall mean any Assessment or Charge on Individuals for private Improvement Expenses under this Act:

The Expression "District Assessment" shall mean any Assessment or Charge (other than a "Private Improvement Assessment") which is confined only to a Portion or District of any Burgh: 10

The Word "Cattle" shall include any Horse, Mare, Gelding, Foal, Colt, Filly, Bull, Cow, Heifer, Ox, Calf, Ass, Mule, Ram, Ewe, Wether, Lamb, Goat, Kid, or Swine: 15

The Expression "Police Purposes" or "Police Provisions" of this Act, except when otherwise limited, shall mean and include the whole Act, excepting those Enactments under the Head "with "respect to the Promotion of the Public Health thereof."

PART I. 20

ADOPTION OF THE ACT.

SECTION I.—*Boundaries of Burghs.*

Boundaries of Royal Burghs which send or contribute to send Members to Parliament.

4. The Boundaries of such Royal Burghs as send or contribute to send a Member or Members to Parliament shall, for the Purposes of this Act, include the whole Limits of such Burgh, as the same are 25 defined by the said Act, Third and Fourth William the Fourth, Chapter Seventy-six, or otherwise fixed by Law.

Boundaries of other Parliamentary Burghs.

5. The Boundaries of such Parliamentary Burghs as send or contribute to send a Member or Members to Parliament shall, for the Purposes of this Act, include the whole Limits of such Burgh, as the 30 same are defined by the said Act, Third and Fourth William the Fourth, Chapter Seventy-seven, or otherwise fixed by Law.

Boundaries of all other Royal Burghs and Burghs of Regality and Barony, how to be fixed.

6. The Boundaries of all other Royal Burghs, Burghs of Regality and of Barony, shall, for the Purposes of this Act, be fixed by the Sheriff as after provided, and on the Application of any *Seven* or more 35 Householders in any such Burgh, or of the Magistrates and Council of any such Burgh, and after such Publication by Advertisement and otherwise as the Sheriff may direct, and after such Investigation (if any) as the Sheriff may deem necessary or proper, the Sheriff shall and he is hereby required to mark out, define, and specify, in a written 40 Deliverance,

Deliverance, on such Application, the Boundaries of such Burgh, for the Purposes of this Act, and such Deliverance shall be final, and when recorded, along with the Application on which it proceeds, in the Sheriff Court Books of such County, shall fix and determine the Boundaries of such Burgh for the Purposes of this Act; and whenever the Boundaries of such Burgh as so ascertained for the Purposes of this Act shall include a Portion of a different County than that in which the original Bounds of such Burgh are situated, such Portion shall, for the Purposes of this Act, be held to be within and to form Part of the County in which such original Bounds are situated as aforesaid.

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7. The Boundaries of any populous Place shall, for the Purposes of this Act, be fixed by the Sheriff, on the Application of any *Seven* or more Householders in such populous Place, and after such Publication by Advertisement and otherwise as the Sheriff may direct, the Sheriff shall appoint and direct a proper Person to make out and furnish, within *Fourteen* Days thereafter, a Return showing to the best of his Knowledge and Belief the Amount of the Population within such populous Place, and thereafter, and after such further Investigation (if any, as the Sheriff may deem necessary or proper, it shall be lawful for the Sheriff and he is hereby required to mark out, define, and specify in a written Deliverance on such Application the Boundaries of such populous Place, and to declare that such Place is a populous Place in Terms of this Act; and such Deliverance shall be final, and when recorded, along with the Application on which it proceeds, in the Sheriff Court Books of the County, shall fix and determine the Boundaries of such populous Place for the Purposes of this Act.

Boundaries of populous Places how to be fixed.

8. If at the Expiration of *One Year* from the Date of such Deliverance, in regard to any such Burgh or populous Place, this Act shall not have been adopted by such Burgh or populous Place, in whole or in part, the Boundaries of such Burgh or populous Place shall, for the Purposes of this Act, be held and taken to be still unascertained.

If not adopted within a Year, Boundaries to be held to be unascertained.

9. In the event of any Error having been committed by any Sheriff in defining the Boundaries of any Burgh or populous Place, under the Powers hereby or by the said recited Acts hereby repealed conferred, it shall be lawful for the Commissioners to bring the Matter under the Consideration of the Sheriff, who shall have Power to rectify any such Error, and whose Judgment thereon shall be final, and the Boundaries as so rectified shall, in regard to all future Acts, Payments, and Liabilities, be held to be the Boundaries originally assigned by the Sheriff under the said Acts hereby repealed and this Act:

Power to rectify Errors committed by Sheriffs in defining Boundaries.

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Act: Provided always, that any Acts done or Payments made prior to such Rectification shall be nowise affected thereby, but the same, in so far as done or made bonâ fide, shall, notwithstanding such Error, be as valid, final, and free from Challenge as if such Error had not been committed. 5

Commissioners of Burghs, other than Parliamentary and Royal Burghs, may apply to Sheriff for Revision of Boundaries.

10. Upon the Application of the Commissioners of any Burgh, other than a Royal or Parliamentary Burgh, and after such Publication and Investigation as aforesaid, the Sheriff shall and he is hereby required, from Time to Time as Occasion shall require and he shall deem necessary, to revise and re-extend the Boundaries of such 10 Burgh; and the Sheriff shall and he is hereby required to mark out, define, and specify, in a written Deliverance on such Application, the revised and extended Boundaries of such Burgh, for the Purposes of this Act, and such Deliverance shall be final, and when recorded, along with the Application on which it proceeds, in the Sheriff Court 15 Books of the County, shall fix and determine the Boundaries of such Burgh for the Purposes of this Act in all Time thereafter, or until again revised and extended as hereby allowed.

Boundaries of Royal Burghs may be extended.

11. Where any Royal Burgh which has adopted this Act, in whole or in part, by a Resolution of the Magistrates and Council thereof, as 20 herein-after provided for, is within the Boundaries of any Parliamentary Burgh, the Magistrates and Council of such Royal Burgh may, by a Resolution of the Magistrates and Council assembled at a Meeting to be held for that Purpose, authorize and direct a Petition to be presented to the Sheriff of the County in which such Royal 25 Burgh is situated, praying him to extend the Boundaries of such Royal Burgh to the Limits of the said Parliamentary Burgh; but no such Resolution shall be valid unless *a Month's* previous Notice of the Meeting and the Purpose thereof has been given in the Manner in which Notices of Meetings of the Magistrates and Council are 30 usually given, nor unless *Two Thirds* of the Members present at the Meeting concur in the Resolution.

Householders beyond existing Boundaries of such Royal Burghs may oppose Extension.

12. The Sheriff shall, after the Presentation of the said Petition, order Intimation thereof to be given by public Advertisement, in such Manner as he shall think proper; and it shall be competent for any 35 *Seven* or more Householders as are beyond the Limits of such Royal Burgh, and within such Parliamentary Boundaries, to appear and object to the Prayer of the Petition; and the Sheriff shall have Power, in a summary Way, to dispose of such Objections, after such Inquiry as to him shall seem meet; and the Judgment of the Sheriff granting 40 the Prayer of such Petition, or sustaining the Objections to the same, shall be final and conclusive.

13. If

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Sheriff's Deliverance to be final.

13. If the Sheriff shall grant the Prayer of the Petition, he shall ssue a Deliverance to that Effect on the Petition, and such Deliverance shall be final, and when recorded along with the Petition in the Sheriff Court Books of the County, the Parliamentary Boundaries aforesaid shall thereafter be the Boundaries of the Royal Burgh for all Municipal Purposes, and all Matters connected with Police, including the Right of voting for Town Councillors.

Application for Extension of Boundaries may be renewed.

14. If the Magistrates and Council of such Royal Burghs shall have resolved not to apply to the Sheriff, as above provided for, the Magistrates and Council may, as often as they shall think proper thereafter, but no sooner than *One Year* from the Date of the preceding Meeting, by such and the like Proceedings, again resolve to apply to the Sheriff to extend the Boundaries as aforesaid; but in the event of the Sheriff having sustained the Objections to the Petition, which may have been presented to him in virtue of any Resolution to that Effect in Terms of this Act, it shall not be lawful to resolve to present another Petition for the Purpose of extending such Boundaries until after the Expiration of *Two* Years from and after the Date of the Rejection of the last Petition.

PART I.

SECTION II.—*Adoption of Act by Magistrates and Councils or Commissioners of Police.*

Parties who may adopt this Act.

15. This Act may be adopted, either in whole or only partially,—

(1.) In Royal or Parliamentary Burghs, where there is no Board of Police Commissioners under the Provisions of any General or Local Act of Parliament, other than the Magistrates and Council of such Burghs, by a Resolution of the Magistrates and Council of such Royal or Parliamentary Burghs, at a Meeting held for the Purpose:

(2.) In Royal or Parliamentary Burghs where there is such a Board of Commissioners as aforesaid, by a Resolution of the said Commissioners at a Meeting held for the Purpose:

(3.) In Burghs, not being Royal or Parliamentary Burghs, which have adopted, in whole or in part, the Provisions of the Act Thirteenth and Fourteenth Victoria, Chapter Thirty-three, or which have Commissioners of Police, under the Provisions of any Local Act of Parliament, by a Resolution of the Commissioners of Police acting in and for such Burghs respectively, at a Meeting held for the Purpose:

But no such Resolution passed by any Magistrates and Council, or Commissioners of Police, shall be valid, unless *a Month's* previous Notice of the Meeting, and of the Purpose thereof, has been given in manner

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manner in which Notices of Meetings of such Magistrates and Council or Commissioners of Police respectively are usually given, nor unless *Two Thirds* of the Members present at the Meeting concur in the Resolution for such Adoption.

Limits within which the Act shall apply when so adopted.

16. Where this Act is adopted in whole or only partially, as above provided for, this Act, so far as adopted, shall apply as follows; viz.

If adopted by the Magistrates and Council of any Royal Burgh, to the whole Limits of such Royal Burgh:

If adopted by the Magistrates and Council of any Parliamentary Burgh, to the whole Limits of such Burgh:

If adopted by the Commissioners of Police of any Burgh, to the whole Territory over which the Commissioners of Police possess Jurisdiction, as the same is established by the General or Local Act, or otherwise fixed by Law, which Commissioners shall not levy Assessments nor in any way exercise Jurisdiction beyond the Limits of such Territory, and in such Case the Word Burgh in this Act shall apply only to such Territory accordingly, anything in this Act to the contrary notwithstanding.

Proceedings with reference to Adoption of Act may be renewed.

17. If the said Magistrates and Council or Commissioners of Police shall have resolved not to adopt the Provisions of this Act, the Magistrates and Council or the Comissioners may, as often as they shall think proper thereafter, but not sooner than *One Year* from the Date of the preceding Meeting, by such and the like Proceedings again take this Act into consideration, and adopt the same, in whole or in part, or determine not to adopt the same; but if at any Time Part of this Act shall have been adopted, it shall be lawful at any Time, by such and the like Proceedings, to adopt such Part thereof as may not have been formerly adopted.

Where this Act adopted, Local Acts repealed.

18. If the said Magistrates and Council or Commissioners of Police adopt this Act in whole, any General or Local Act applicable to such Burgh shall be repealed, excepting in so far as it may relate to Matters not provided for in this Act; and if they resolve to adopt this Act only in part, such Resolution shall specify the Clauses of this Act which are so adopted; and no Part of this Act which is not so specified shall be held to be adopted; and any such General or Local Act shall in the latter Case remain in force in so far as not inconsistent with the Clauses so adopted.

Where Act partially adopted, the Commissioners may adopt the

19. Where any Burgh, other than those above provided for, has adopted in part the Provisions of this Act, it shall be lawful to the Commissioners appointed and acting under this Act in any such Burgh at any Time to adopt such Part of this Act as may not have

have been formerly adopted by a Resolution of the said Commissioners assembled at a Meeting to be held for that Purpose; but no such Resolution shall be valid unless *a Month's* previous Notice of the Meeting and the Purpose thereof has been given in the Manner in which Notices of Meetings of the said Commissioners are usually given, nor unless *Two Thirds* of the Members present at the Meeting concur in the Resolution.

Portion not previously adopted.

20. All such Resolutions in reference to the Adoption of this Act, in whole or part, as above provided for, shall forthwith be reported to the Sheriff, and he shall, within *Forty-eight* Hours after the Receipt thereof, pronounce a Deliverance thereon, finding and declaring, as the Case may be, either that this Act has not been adopted, or that the Powers or Provisions thereof (in so far as such Resolution shall show this to have been the Case) have been adopted, and that this Act shall apply to such Burgh as aforesaid in manner therein set forth, and shall forthwith cause such Resolution and Deliverance to be recorded in the Sheriff Court Books of the County and in the Books of the Burgh to which they specially apply; and such Deliverance by the Sheriff shall be final.

Proceedings to be reported to Sheriff.

21. When this Act shall be adopted, in whole or in part, in any Burgh which had previously adopted, in whole or in part, the Powers and Provisions of the said recited Acts hereby repealed, or in any Burgh or Place which had previously possessed a Local Act or Acts, all Bonds, Contracts, Covenants, Agreements, and Securities made and entered into, and all Assessments imposed or to be imposed under and by virtue of such recited Acts or of such Local Act or Acts, in so far as regards anything done under such Acts or any of them previous to the Adoption of this Act, shall remain in full Force and Effect, and shall continue available and binding on all concerned; and nothing herein contained shall be construed to affect the Debts, Rights, or Claims of any Creditor under such recited Acts or under such Local Act or Acts; and the Officers appointed under and employed in the Execution of such Acts shall continue to exercise their Offices until they are respectively superseded or legally removed therefrom under the Authority of this Act.

Contracts under former Acts to be saved.

PART I.

Section III.—*Adoption of Act by Householders.*

22. It shall be lawful for any *Seven* or more Householders in any Burgh to apply in Writing to the Sheriff of the County in which such Burgh is situated, requiring him to convene a Meeting of Householders in such Burgh for the Purpose of considering whether the Provisions

Burghs may convene a Meeting of Householders to consider of the Adoption of this Act.

PART I. Adoption of the Act. Sect. 3.

Boundaries of Burgh to be ascertained previously.

Provisions of this Act, or any Part of the same, shall be adopted and carried into execution within such Burgh: Provided always, that previously to such Requisition being entertained by the Sheriff the Boundaries of such Burgh, where required to be ascertained for the Purposes of this Act, shall have been ascertained in manner herein provided.

Return of the Population and Lists of Householders to be made out.

23. The Sheriff shall, upon receiving such Requisition for convening a Meeting, accompanied, if he shall so require, with a satisfactory Undertaking to pay the Expenses after mentioned, appoint and direct a proper Person to make out and furnish, within *Fourteen* Days thereafter (except where previously made out and furnished as directed by this Act), a Return showing, to the best of his Knowledge and Belief, the Amount of Population residing within such Burgh, and shall also direct the Assessors under the Acts in force for the Valuation of Lands and Heritages in Scotland within such Burgh to furnish him, within the like Period, with a List of the Names of all Householders within such Burgh; which List of Householders, distinguishing the Amount of Rental at which each Person is assessed, the said Assessors are hereby required to make and certify, on Payment of a Fee of not more than *One Shilling* for each One hundred Names, and which List shall be sufficient Proof of the Qualification of the Householders named therein.

Mode of calling First Meeting.

24. On Receipt of such Requisition, the Sheriff shall convene the Householders in the Town Hall or other convenient Place within such Burgh, as the Case may be, and shall lay this Act before such Meeting, together with such Requisition, Return, and List aforesaid, and shall attend and shall preside at such Meeting, and at each subsequent Meeting authorized by this Act, and shall appoint a Clerk thereat, who shall make regular Minutes of the Proceedings thereof; and the Sheriff shall, in case of Equality of Votes, besides a deliberative Vote, have a casting or decisive Vote.

Meetings to be intimated by posting Handbills, &c.

25. Such Meeting shall be held on a Day not less than *Twenty-one* Days or more than *Thirty* Days after the Sheriff shall have received such Requisition to convene a Meeting as aforesaid, and Intimation thereof shall be made by posting Handbills within such Burgh *Fourteen* Days preceding the Day of the Meeting, in the Form of the Schedule marked (A.) hereunto annexed, and by any Mode of Intimation usually adopted in such Burgh, *Two* Days in each Week for Two Weeks before such Meeting, or by open Proclamation within such Burgh, and also by an Advertisement in any Newspaper published in such Burgh, and if no Newspaper be published therein, then

then in a Newspaper circulating in such Burgh, at least *Three* clear Days before the Day appointed for such Meeting.

PART I. Adoption of the Act. Sect. 3.

Qualification of Voters.

26. At such Meeting, and generally at all Meetings and Elections under this Act, all Householders shall be entitled to vote; and Companies or Copartnerships occupying Houses or other Heritable Subjects of the yearly Value of *Ten Pounds* or of greater Value, so as to afford more than One Qualification of *Ten Pounds*, shall be entitled to grant Authority in Writing to any One or more of the Partners of such Company or Copartnership to vote, and which Partner or Partners shall be deemed to be a Householder within the Meaning of this Act, and be entitled to vote accordingly: Provided always, that such Company or Copartnership shall not so authorize or have Right to vote by more than One Partner in respect of each Qualification of *Ten Pounds* afforded by such Premises: Provided also, that in case of any Difficulty arising as to the Qualification or Identity of any Householder, the same shall be decided at such Meeting by the Sheriff, whose Determination shall be final.

Power of Meeting to adopt this Act, or to decline to adopt it.

27. Such Meeting shall proceed to consider and determine whether this Act shall, in whole or in part, be adopted and carried into execution within such Burgh, or shall appoint a Committee of their own Number, not exceeding *Nine*, to inquire and report to some future Meeting to be held on such Day as shall be appointed, and such future Meeting shall, upon the Report of such Committee, proceed in all respects in the Manner herein directed for such First Meeting.

Preses to declare the Determination of the Meeting.

28. The Sheriff shall ascertain the Determination of such Meetings by a Show of Hands, or in such other Manner as shall appear to him expedient, and shall declare the same, which Declaration shall be final, unless a Poll shall be then demanded in Writing by any *Five* Persons present and qualified to vote at such Meeting.

Preses to direct a Poll when demanded.

29. When such Poll shall be demanded as aforesaid, the Sheriff shall direct the same to be proceeded in at such Polling Place or Places and within such Period as he shall determine, not exceeding *Two* clear Days from the Day of the Date of such Demand in Writing, exclusive of Sundays, and the polling shall commence at the Places intimated at Nine of the Clock of the Forenoon of the Day that shall be named.

Poll not to be open more than One Day.

30. No Poll by this Act authorized to be taken shall be kept open for more than *One Day*, and that only between the Hours of Nine in the Morning and Four in the Afternoon.

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Poll Books to be provided.

31. The Sheriff shall direct the necessary Number of Poll Clerks to be appointed, and of Poll Books to be prepared in the Form of Schedule (B.) hereunto annexed, in which Books shall be inscribed by such Clerks the Situation of the Premises in respect of which the Voter is qualified, and the Manner in which he votes. 5

State of Poll to be ascertained and declared.

32. As soon after the Close of the Poll as may be, the Poll Clerks shall transmit the State of the respective Polls to the Sheriff, who shall sum up the same, and openly declare the Result of the total Poll at an adjourned Meeting to be held on the next lawful Day after the Polling Day; and such Declaration shall be final unless any 10 Householder present at such adjourned Meeting shall then and there demand a Scrutiny, and on such Householder finding Caution or Security to the Satisfaction of the Sheriff for the Reimbursement of the Expenses attending the same, such Scrutiny shall be made by the Sheriff in such Way and Manner as he may deem proper, and shall 15 be reported to another adjourned Meeting to be appointed by the Sheriff, and to be held on a Day not later than the *Third* Day from the Meeting held immediately after the Day of Polling, and the Result of such Scrutiny as declared by the Sheriff shall be final, and the Party demanding such Scrutiny shall be liable in the Expense 20 thereof.

Majority necessary to adopt this Act in whole or in part.

33. Any Resolution to adopt the Provisions of this Act, in whole or in part, shall be effectual if it be carried by a Majority of the Persons qualified and voting as aforesaid.

How Minutes of Meeting should be worded if Act adopted in part only.

34. If such Resolution shall be to adopt this Act only in part, the 25 Matters with respect to which this Act is so adopted shall be set forth and declared in the Minutes of such Meeting in the Words introductory to the Enactment in this Act with respect to such Matter, or it shall be set forth and declared in such Minutes that this Act, with the Exception of the Matter or Matters so described, is so 30 adopted; and such Adoption shall be held to include the Provisions and Powers of this Act in so far as applicable to such Matters, and no farther.

Further Proceedings on Act being adopted.

35. Where this Act shall be adopted in any Burgh, in whole or in part, the Resolution to adopt it shall not be subject to any further 35 Question; and the Householders thereof present at the Meeting adopting this Act unanimously, or at some adjourned Meeting as aforesaid, shall then and there proceed to determine by a Majority of Votes, and shall set forth in their Minutes, the Number of Commissioners to be elected by the Householders to carry this Act into 40 operation, and also whether such Burgh shall be divided into Wards for

for the Purposes of this Act, and, if so, the Bounds and Limits of such Wards.

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Proceedings to be reported to the Sheriff.

36. The Minutes and Resolutions of and whole Documents laid before such Meetings shall be transmitted by the Clerk to the Sheriff within *Forty-eight* Hours after the Close of the Proceedings, and the Sheriff shall, within *Forty-eight* Hours after the Receipt thereof, pronounce a Deliverance thereon, finding and declaring, as the Case may be, either that this Act has not been adopted, or that the Powers and Provisions thereof (in so far as such Minutes shall show this to have been the Case) have been adopted, and that this Act shall apply to such Burgh in manner therein set forth, and shall forthwith cause such Deliverance to be recorded in the Sheriff Court Books of the County, and in the Books (if any be) of the Burgh to which they specially apply; and such Deliverance by the Sheriff shall be final.

If Act not adopted, Proposal may be reconsidered after One Year.

37. Where any Burgh shall have resolved not to adopt the Provisions of this Act, or shall have adopted them only in part, the Householders thereof may, as often as they shall think proper, thereafter, but not sooner than *One Year* from the Date of any preceding Meeting held for the Purpose of considering whether the Act should be adopted, in whole or in part, by such and the like Proceedings, again take this Act into consideration, and adopt the same, in whole or in part, or determine not to adopt the same.

Expenses attending the calling First Meeting, &c. how to be borne.

38. If the Provisions of this Act shall be adopted, in whole or in part, all the Expenses incurred in relation to fixing the Boundaries, calling the First Meeting, making out Population Returns and Lists of Householders, and otherwise in relation to carrying this Act into execution, shall be defrayed out of the Police Assessment herein-after provided; but in case the Provisions of this Act shall not be adopted, in whole or in part, then the whole Expenses incurred in relation to fixing the Boundaries shall be paid and borne by the Persons signing the Application in that Behalf; and the whole Expenses incurred in relation to calling and holding the First Meeting, making out Returns and Lists, taking Polls, and all other Expenses whatsoever thereto relating, except as herein-after specially provided for, shall be paid and borne by the Persons signing the Requisition for holding such Meeting; and the Party who shall have disbursed such Expenses is hereby authorized to pursue for and recover the same, with Expenses of Suit, and that by summary Process before the Sheriff, whose Determination shall be final.

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PART I.

SECTION IV.—*Commissioners for the Purposes of this Act in Royal and Parliamentary Burghs, and Burghs of Regality and Barony.*

In certain Royal and Parliamentary Burghs Magistrates and Councils shall be Commissioners for executing this Act.

39. Where the Powers and Provisions of this Act shall be, in whole or in part, adopted in any Royal or Parliamentary Burgh, the Magistrates and Council of such Burgh for the Time being shall, under the Exception after mentioned, be the Commissioners for carrying this Act, or such Part thereof as shall be adopted, into operation, as regards such Burgh, and no special Election of Commissioners of Police or Magistrates of Police for such Burgh shall take place under this Act, and the Magistrates of such Burgh shall be the Magistrates of Police thereof; and the said Magistrates and Council as Commissioners, and the said Magistrates as Magistrates of Police, shall have all the Powers, Privileges, and Jurisdictions of Commissioners and Magistrates of Police respectively under this Act as are by this Act conferred on Commissioners and Magistrates of Police respectively.

In Burghs of Regality or Barony having Magistrates and Councils, the Householders may vest such Magistrates and Councils with the Office of Commissioners.

40. Where the Powers and Provisions of this Act shall be, in whole or in part, adopted in any Burgh of Regality or Barony having Magistrates and Council (not being a Burgh in which as bounded for the Purposes of this Act there shall be included any Territory situated in a different County from that in which such Burgh as previously bounded was situated), it shall, under the Exception after provided for, be in the Power of the Householders thereof present at the Meeting adopting the same unanimously, or at some adjourned Meeting as aforesaid, to determine by a Majority of Votes, and to set forth on their Minutes, that the Magistrates and Council of the Burgh shall always for the Time being be the Commissioners for carrying this Act, or such Part thereof as shall be adopted, into operation, as regards such Burgh; and in that Case only such Magistrates and Council for the Time being shall always be such Commissioners within such Burgh, and no special Election of Commissioners of Police or Magistrates of Police for such Burgh shall take place under this Act; and the Magistrates of such Burgh shall be the Magistrates of Police thereof, and shall have all the Powers, Privileges, and Jurisdictions of Magistrates of Police under this Act; but in the event of no such Determination being come to by the Householders as aforesaid, Commissioners and Magistrates of Police shall be elected for such Burgh in manner herein-before provided.

Commissioners elected under Local

41. Where the Powers and Provisions of this Act shall be adopted, in part, in any Burgh having a Board of Commissioners of Police under

under the Provisions of any Local Act of Parliament, or of the Act of the Thirteenth and Fourteenth Victoria, Chapter Thirty-three, such Commissioners shall be the Commissioners for carrying such Part of this Act into operation, and such Acts shall continue in force in regard to such Commissioners as if this Act had not been so adopted, and no special Election of Commissioners of Police for such Burgh shall take place under this Act; and the Magistrates of such Burgh shall continue the Magistrates of Police thereof, the same as if no such Adoption of this Act had taken place, and accordingly no special Election of Magistrates of Police shall take place under this Act; but the said Magistrates as Magistrates of Police, and the said Commissioners of Police under such Acts as Commissioners of Police, shall have all the Powers, Privileges, and Jurisdictions of Commissioners and Magistrates of Police respectively under this Act as are by this Act conferred on Commissioners and Magistrates of Police respectively.

Acts to continue, and the Magistrates of Burghs not to be affected by Adoption of this Act.

42. It shall be lawful for any Burgh, having adopted this Act, in whole or part, either in the Resolution so adopting this Act, or by any subsequent Resolution of the Magistrates and Council at a Meeting held for the Purpose, to exempt for a Time any Places, Grounds, and Houses within the Burgh from all or any of the Provisions of this Act so adopted; which Places, Grounds, and Houses, if so exempted from all such Provisions, shall, during the Continuance of such Exemptions be free from Payment of any of the Assessments for such Purposes by this Act authorized to be levied; but in the event of any such Places, Grounds, and Houses being only partially exempted from the said Provisions or any of them, then such Places, Grounds, and Houses so partially exempted shall be liable in Payment of such Part of the said Assessments as shall be fixed and determined by the Magistrates and Council; and it shall be lawful for the Magistrates and Council, by a like Resolution, from Time to Time to extend the Period of such Exemptions.

Power to grant certain Exemptions.

PART I.

Section V.—*Elected Commissioners in other Burghs.*

43. In Burghs where Commissioners shall be elected as hereinafter provided for the Purposes of executing this Act, they shall not exceed *Twelve* in Number; but the Number may be less than *Twelve* and not less than *Six*, as may be determined on in manner hereinbefore provided.

Commissioners. Number of Commissioners.

44. Where the Burgh shall be divided into Wards as aforesaid, the Number of Wards and the Number of Commissioners to be elected shall be so settled and adjusted that there shall be *Three* Commissioners for each Ward.

If Burgh divided into Wards.

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Meeting for Election of Commissioners to be convened.

45. As soon as may be after the Deliverance of the Sheriff declaring that this Act shall apply, in whole or in part, to any Burgh adopting the same, not being a Royal or Parliamentary Burgh, the Sheriff shall convene a Meeting of the Householders of the Burgh in the Town Hall or other convenient Place within the Burgh, for the Election of Commissioners for the Purpose of executing this Act, and the Commissioners shall be elected by such Meeting, of which Meeting the Sheriff shall be Preses, or, if the Burgh shall be divided into Wards, the Sheriff shall convene a Meeting of the Householders in each Ward, at some convenient Place in the Ward to be specified in the Notice to be given of such Meeting for the Election of Commissioners for the Purpose of executing this Act, and the Commissioners for each Ward shall be elected by the Meeting in such Ward, and the Householders present at such Ward Meeting shall elect the Preses of such Meeting; and all Meetings for electing Commissioners shall be summoned in the same Manner and at the same Distance of Time as is provided for the First Meeting to be held with respect to the Adoption of this Act.

Election of Commissioners.

46. Such Election shall be proceeded with in manner following; (that is to say,) any Householder of the Burgh shall be eligible to be elected a Commissioner for the Purposes of this Act, and may be proposed and seconded by any Householders within the Ward; and the Preses of the Meeting shall thereupon ascertain and declare the Resolution thereof in manner herein-before provided in regard to Meetings held with respect to the Adoption of this Act; and if such Election shall not be unanimous, and if a Poll shall be demanded in Writing by any *Five* Householders present at such Meeting, the Sheriff or Preses of such Meeting shall open and proceed with such Poll in the Manner herein-before provided in regard to Polls with respect to the Adoption of this Act, and the Sheriff or Preses shall for that Purpose appoint a Clerk, and shall provide a Book in the Form of Schedule (C.) hereunto annexed, in which the Votes shall be entered, and shall declare the Result of such Poll as appearing on such Book; and the Sheriff or Preses shall be reimbursed all such reasonable Charges or Expenses as may be incurred in providing Clerks and Books, and otherwise in the Performance of the Duties hereby required of them, out of the Police Assessment levied under the Authority of this Act.

First Meeting of Commissioners.

47. The Commissioners elected under this Act shall, at Twelve of the Clock Noon on the First *Monday* after the First and each annual Election, hold their First General Meeting in the Town Hall or other convenient Place within the Burgh, with Power to adjourn to any other Day or Place which they may think fit; and every Person

Person who may consider that he ought to have been returned as a Commissioner may lodge a Complaint in Writing, signed by him or by some other Person duly authorized on his Behalf, with the Commissioners assembled at such Meeting, who shall thereupon remit to a Committee of *Three or Five* of their Number to inquire into the Merits of such disputed Election, and to report thereon to a subsequent Meeting of the Commissioners, and such Report shall be final; and in case there shall be an Equality of Votes at any Election, the Commissioners shall determine by Vote which of the Candidates shall be preferred; and no Election or Appointment under this Act shall thereafter be liable to be challenged, and no such Election or Appointment shall be quashed or set aside on account of any Misnomer, Omission, or other Informality; and every Party returned as a Commissioner shall be entitled to act until upon a Scrutiny his Return shall be quashed or set aside; and the Commissioners returned shall be entitled to act, although from any Cause the full Number of Commissioners may not be filled up.

Commissioners to choose a Senior and Two Junior Magistrates of Police.

48. The Commissioners shall at such First Meeting or adjourned Meeting, by a Plurality of Votes, (the Commissioner who had the greatest Number of Votes at the Election of Commissioners having a casting or double Vote in case of Equality,) elect from among their own Number a Senior and Two Junior Magistrates of Police.

One Third of Commissioners to be elected annually.

49. *One Third* of the Commissioners, or, where the Burgh is divided into Wards, *One Third* of the Commissioners for each Ward, shall go annually out of Office on the same Day of the Month as that on which the Commissioners were elected into Office, or on the next lawful Day thereafter in each Year, and on the same Day of the Month, or the next lawful Day annually, the Places of the Commissioners going out of Office shall be supplied by an equal Number of new Commissioners to be chosen from among the Householders of the Burgh in the Manner aforesaid, under all the Rules, Regulations, and Provisions applicable to such First Election, and the like Notice of such annual Election shall be given as is herein-before directed to be given of such First Election of Commissioners.

First and Second annual Elections.

50. The *Third* of the Commissioners who shall go out of Office at the Expiration of the First Year after the First Election under this Act shall consist of the Commissioners who at said First Election had the smallest Number of Votes, and where the Burgh is divided into Wards, of the Commissioners who at said First Election in each Ward had the smallest Number of Votes; and the Commissioners who shall go out of Office at the Expiration of the Second Year after said First Election shall consist of the Commissioners who had the next smallest Number of Votes at the said First Election, or where the

PART I. Adoption of the Act. Sect. 5.

Burgh is divided into Wards, of the Commissioners in each Ward who at said First Election had the next smallest Number of Votes in each Ward; and thereafter the *Third* of the Commissioners who shall annually go out of Office shall consist of the Commissioners who have been longest in Office: Provided always, that in any Case where there shall have been an Equality of Votes the other Commissioners remaining in Office shall decide, at a Meeting convened for the Purpose, which Commissioner having an Equality of Votes shall go out of Office; and provided also, that the Senior Magistrate of Police shall always remain in Office for *Three* Years, and for that Purpose he shall be held to have had the largest Number of Votes at the said First Election, and to have been the shortest Period in Office at all Elections subsequent to the Third Election under this Act.

Commissioners failing to accept.

51. If any Person elected as a Commissioner shall fail to attend the Meeting hereby appointed to be held on the First *Monday* after the First and each annual Election of Commissioners he shall be held to have declined accepting the Office of Commissioner, unless he transmit to the Meeting a sufficient written Explanation, signed by himself or his Agent, of the Cause of his Absence, and intimating his Acceptance.

Outgoing Commissioners may be re-elected.

52. Any Magistrate of Police or Commissioner may resign his Office at any Time, on giving *Three* Weeks Notice of such his Intention in Writing to the Clerk, and any out-going Commissioner may be re-elected: Provided always, that no Person shall be eligible as a Commissioner, or entitled to vote at such Election, who shall have been relieved from the Assessment made on him for the Purposes of this Act for the Year immediately preceding on the Ground of Inability to pay the said Assessment, or by whom any Arrear of any Assessment under this Act shall at the Time of the Election be owing, and shall have been demanded, whether such Arrear shall be due by himself or by any Company or Copartnership by which he is authorized to vote; and a Certificate under the Hand of the Collector shall be deemed and taken to be sufficient Evidence of such Arrears or Relief.

Vacancies in the Magistrates of Police, how to be supplied.

53. Where any Magistrate of Police elected under this Act shall be in the *Third* of the Commissioners going out of Office, the Place of such Magistrate of Police shall be supplied by Election by the Commissioners as soon as the full Number thereof shall have been completed by the annual Election of the *Third* hereby directed to take place; and such Election shall be made by Plurality of Voices, and the Senior Magistrate of Police, or in his Absence the Preses of the

the Meeting, to be chosen by the Meeting, shall have a double or casting vote, in case of Equality: Provided always, that Magistrates of Police shall at at all Times be capable of being re-elected.

PART I. Adoption of the Act. Sect. 5.

54. In case the Place of any of the Commissioners or Magistrates of Police elected as aforesaid shall become vacant by Death, Refusal to accept, Disqualification, or Resignation, then and in such Cases it shall be lawful for the remaining Commissioners to nominate Persons duly qualified to supply such Vacancies; and each Person so nominated shall have and enjoy the same Powers and Privileges as the Person in whose Stead he is nominated, and shall remain in Office until the next Period of Election, when he shall go out of Office, and the Vacancy shall be supplied by the Householders of the Burgh, or, if the Burgh be divided into Wards, the Householders of the Ward in which the Vacancy shall have occurred; and in the event of a Resignation being intimated, so as to take effect at the Period of the annual Election of Commissioners, the Vacancy so caused shall be supplied by the Householders, or if the Burgh is divided into Wards, by the Householders of the Ward in which the Vacancy shall have occurred, by Election at the said Period of Election.

Interim Vacancies how to be supplied.

55. If the Householders shall at any Time refuse or neglect to elect the whole or any Part of the Number of Commissioners, it shall be lawful for the Commissioners who held Office at the Time when such Election should have taken place to supply the Deficiency, by such and the like Proceedings as are provided for in the Case of interim Vacancies.

If Electors refuse to elect, Commissioners previously in Office may.

56. No Commissioner shall directly or indirectly derive any Emolument or Profit from any Business or Work of any Description performed or to be performed by him under this Act; nor shall any Commissioner be capable (while he holds Office as such Commissioner) of enjoying any Office of Profit to be created or established by virtue of this Act, or while he has any Share or Interest in any Contract relating to the Execution thereof, nor be capable of standing as a Candidate for any such Office, or be a Competitor for any such Contract, save and except Contracts entered into with any Chartered or Joint Stock Company of which such Commissioner may be a Partner.

Commissioners not to hold Places of Profit under this Act.

PART I.

SECTION VI.—*Meetings of Commissioners.*

57. The whole Commissioners shall be cited to attend all Meetings, both special and statutory, (save only the first Meetings under this Act,)

Commissioners to be summoned to attend Meetings.

PART I. Adoption of this Act. Sect. 6.

Act,) such Citation being given personally, or at their Dwelling Houses or Places of Business, by written or printed Summonses issued by their Clerk at least *Twenty-four* Hours before the Time of Meeting; and the Senior Magistrate present, or in Absence of any Magistrate such One of the Commissioners as shall be chosen by the Meeting, shall preside; and the Preses of all Meetings of the Commissioners shall have both a deliberative and in case of Equality a casting Vote in all Matters which shall come before them: Provided always, that *One Third* of the Commissioners must be present at all Meetings to constitute a Quorum.

Quorum.

Statutory Meetings of Commissioners.

58. Meetings of the Commissioners shall be held in such Places as they shall appoint within the Burgh upon the Second *Monday* of the Months of *February*, *May*, *August*, and *November* in each Year, at Twelve of the Clock Noon.

Special Meetings may be called, on Requisition.

59. The Clerk to the Commissioners, on Requisition being made to him, stating in Writing the Object of the intended Meeting, and signed by *Two* of the Commissioners, shall cause Special Meetings to be called within *Forty-eight* Hours, and to be held within *Four* Days after such Requisition, and shall cause the whole Commissioners to be summoned to attend such Meetings, by printed or written Summonses containing a Copy of such Requisition.

Special Meetings not to annul Rules made at Statutory Meetings.

60. No Rules or Regulations shall be adopted or carried into execution by any Special Meeting which shall tend to alter or annul any Rules or Regulations which may have been made and framed at any of the Four Meetings hereby appointed to be held annually.

Meetings may be adjourned.

61. The Commissioners may adjourn to any other Day, Hour, and Place within the Burgh.

Power to appoint Committees.

62. The Commissioners shall have Power to form Committees of their Number, either with Directions to report to the Commissioners, or for carrying the various Purposes of this Act into execution, and to delegate to such Committees the Powers competent to the Commissioners under this Act, in whole or in part, with regard to the Subject which may be remitted, to name the Convener, and to fix the Numbers of such Committees who shall form a Quorum; and the Convener who shall preside at such Committees shall be entitled to a deliberative, and in case of Equality a casting Vote, and to convene the Members by Notices in the Way he shall think most convenient.

PART I.

PART I.

SECTION VII.—*Powers and Duties of Commissioners.*

Powers and Duties of Commissioners.

63. The Commissioners shall, in such Manner as to them shall seem best for the Police Purposes of this Act, estimate, assess, levy, and apply the Sums of Money hereby authorized to be raised for the Police Purposes of this Act, and shall have Power to appoint a Superintendent of Police, at a fixed annual Salary, and also to appoint, at such Salaries as they shall judge meet, Clerks, Treasurers, Collectors, Surveyors, and all other Persons whose Appointment is not herein otherwise provided for, to be employed in the Execution of this Act, and to remove and suspend such Clerks, Treasurers, Collectors, Surveyors, and other Persons, at pleasure, and to fix the Number and Description of Officers to be employed in the Execution of this Act, and the Wages to be paid to them respectively, whether appointed by themselves or not, and to increase or diminish their Numbers from Time to Time as they shall see Cause, and to make Orders and Regulations for their Government; and the Commissioners shall have Power also to purchase such Lands and Premises as shall be required for the Purposes of this Act, and shall also have full Power and Authority to make all necessary Rules, Orders, Regulations, and Byelaws, except as otherwise herein provided, relative to the watching, lighting with Gas or otherwise, paving, cleansing the Streets, whether public or private, cleansing and lighting of common Stairs, or to the Supply and Distribution of Water and Gas to the same, in so far as the Powers of this Act may apply to these Objects in the Burgh, and for carrying fully into effect all the Objects and Purposes and Provisions of this Act, and shall enact Penalties for enforcing the same, which Penalties shall not exceed in any Case the Sum of *Forty Shillings*, except as otherwise herein provided, and to execute the whole other Matters specified in this Act and committed to their Charge: Provided always, that the Rules and Regulations so to be made shall not be contrary to the Law of Scotland, or to anything in this Act contained.

Commissioners may contract for Execution of Works.

64. The Commissioners, or any Committee of their Body thereunto specially empowered, may contract with any Person for carrying into execution any of the Operations hereby authorized; and such Contract shall be signed by the Preses and Clerk in name of the Meeting at which such Agreement or Contract shall be made.

Property vested in Commissioners.

65. The Monies arising from the Assessments hereby authorized to be levied, and all other Property acquired by the Commissioners in pursuance of the Powers hereby granted, shall be and the same are

PART I. Adoption of the Act. Sect. 7.

are hereby vested in the Commissioners and their Successors, for the Uses and Purposes mentioned in this Act, and for no other Purpose whatever.

Clerk to be appointed.

66. The Commissioners shall appoint a Clerk for keeping the Records of the Proceedings of the Commissioners and their Committees, which Records shall contain accurate Minutes of the Proceedings and Orders of the Commissioners and their Committees, and, being signed by the Preses of each respective Meeting, or any Copy or Extract therefrom, authenticated by the Signature of the Clerk, shall be received as Evidence in all Courts whatsoever, in any Case or Matters concerning this Act.

Clerk not to be concerned as Agent, &c. in any Prosecution under this Act.

67. No Person who may be appointed the Clerk in the Execution of this Act, or the Partner of any such Clerk, or any Person in the Employ of such Clerk or of his Partner, shall act as Agent or Solicitor in the Trial of any Offence committed within the Limits of the Burgh, as fixed for the Purposes of this Act; and in the event of a Contravention of such Provisions such Clerk shall be thenceforth disqualified from holding any Office whatever under this Act, and also from acting as a Commissioner under this Act.

Treasurer and Collector to be appointed.

68. The Commissioners shall in like Manner elect and appoint a Treasurer and Collector to act during their Pleasure; and such Collector and Treasurer, before they shall be permitted to take upon them the Execution of their Office, shall respectively grant Bond, with sufficient Sureties, to the Commissioners, for their Intromissions, and for the just and faithful Execution of their Office, to such an Amount as the Commissioners shall think reasonable; and any Collector or Treasurer who may be convicted of wilfully secreting or not accounting to the Commissioners for any Sum of Money received by him as Collector or Treasurer shall forfeit *triple* the Amount thereof to the Commissioners.

Allowance to Clerk, Treasurer, and Collector.

69. The Commissioners may allow reasonable Salaries to the Clerk and Treasurer; and the Collector shall be allowed for his Trouble in collecting Assessments authorized to be levied under this Act a Sum not exceeding the Rate of *Five Pounds* per Centum upon all such Sums of Money as he shall collect and receive.

Collector to lodge all Monies received by him in Bank.

70. Such Collector shall be obliged to lodge all Money received by him in a chartered or other Bank, or in One of the Branches of such Bank in the Burgh, to be fixed by the Commissioners, upon an Account to be opened in the Name of the Commissioners, and to be operated upon by the Treasurer for the Time; and such Treasurer shall

shall make no Drafts on the said Account for any private Purpose on any Pretence whatever, nor for any other Purpose than the Payments which shall from Time to Time be authorized by the Commissioners or their Committees for the Purposes of this Act, as the same shall be certified to the said Treasurer by the Clerk to the Commissioners, who shall countersign all such Drafts.

PART I. Adoption of the Act. Sect. 7.

71. In case any Treasurer or Collector shall become insolvent, and the Sums chargeable against him shall not have been paid by his Cautioners or Sureties, then and in every such Case the Sum deficient shall be chargeable against, and form a Burden upon the next annual Assessment.

On Insolvency of Treasurers or Collectors, Deficiency may be assessed.

72. It shall be lawful for the Commissioners to appoint the same Person to be both Treasurer and Collector for the Purposes of this Act; but it shall not be lawful for the Commissioners to appoint any Person who may be appointed their Clerk in the Execution of this Act, or the Partner of such Clerk, or any Clerk or other Person in the Service or Employ of such Clerk or of his Partner, to be the Treasurer for the Purposes of this Act, or to appoint any Person who may be appointed Treasurer or the Partner of such Treasurer, or any Clerk or other Person in the Service or Employ of such Treasurer or of his Partner, to be the Clerk to the Commissioners for the Purposes of this Act; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of such Clerk, or the Clerk or other Person in the Service or Employ of such Clerk or of his Partner, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or, being the Treasurer or the Partner of such Treasurer, or the Clerk or other Person in the Service or Employ of such Treasurer or of his Partner, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any Treasurer shall hold any Place of Profit or Trust under the Commissioners other than that of Collector, every Person so offending shall for every such Offence forfeit and pay the Sum of *One hundred Pounds* to any Person who shall sue for the same, to be recovered, with full Expenses, in the same Manner as any of the Penalties of this Act imposed may be sued for and recovered.

Treasurer and Collector may be the same Person, but Clerk and Treasurer not to be the same Person.

73. All Actions, Suits, or Proceedings in respect of any Matter or Thing relating to the Execution of this Act, to be brought by or against the Commissioners, shall be in the Name of their Clerk or Treasurer or Collector for the Time being, as the Party, Pursuer or Defender, representing the Commissioners; and no Action, Suit, or

Actions by or against Commissioners, how to be brought, and not to abate.

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Proceeding wherein the Commissioners shall be concerned as Pursuers or Defenders in the Name of their Clerk or Treasurer or Collector shall cease or abate by the Death, Resignation, or Removal of any such Clerk or Treasurer or Collector, or by any Change in the Persons holding Office as Commissioners, but the Clerk, Treasurer, or Collector to the Commissioners for the Time being shall be deemed to be the Pursuer or Defender, as the Case may be, in every such Action, Suit, or Proceeding.

Books of Accounts to be kept by Commissioners.

74. Accounts of all Property, Heritable and Moveable, vested in the Commissioners, showing the Nature of such Property, and of all Money received and disbursed, shall be kept in Books by the Treasurer or Collector, as the Commissioners may appoint; and all such Books of Accounts may at all seasonable Times be inspected and perused, without Fee or Reward, by any Person assessed, and also by any Person entitled to any Money due and owing on the Credit of such Assessment; and such Persons may take Copies of or Extracts from any such Books and Accounts, without Fee or Reward; and any Person in whose Custody or Power any such Books and Accounts are, who shall refuse Inspection thereof, or to permit Copies or Extracts to be taken as aforesaid, shall be liable in a Penalty not exceeding *Ten Pounds;* and in case any Person who shall be assessed shall be dissatisfied with any Accounts which shall have been made up as aforesaid, or with any of the Items or Articles contained in such Accounts, such Person may complain against the same by Petition to the Sheriff, in which Complaint shall be specified the Grounds of Objection to such Accounts, Items, or Articles; and the Sheriff shall proceed to hear and determine the Matter of such Complaint, and his Decision shall be final.

Account of Receipt and Application of Monies to be made out by Commissioners, and printed.

75. The Commissioners shall yearly, and previous to their statutory Meeting in the Month of *August* in each Year, cause to be made out a just and accurate Account of all the Monies received and expended in the Execution of this Act for the Year ending on the *Fifteenth* Day of *May* immediately preceding such statutory Meeting, showing from what Sources such Monies have been received, and to what Purposes the same have been laid out and applied; and which Account, so soon as the same shall have been audited, as herein-after provided, shall be laid before such statutory Meeting, and shall be signed by the Preses of said Meeting and the Clerk, and shall be deposited with the Clerk, who shall forthwith cause to be printed, and shall permit any Person assessed under this Act to inspect and examine such Accounts at all seasonable Times, without Payment of any Fee or Reward for such Inspection.

76. The

76. The Sheriff shall annually appoint an Auditor for the Purpose of auditing the Accounts of the Commissioners; and in case the Office of such Auditor shall, before such Accounts are audited by him, become vacant by Death or from any other Cause, the Sheriff shall from Time to Time appoint an Auditor to supply such Vacancy.

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Auditor to be appointed by the Sheriff.

77. The Commissioners shall deliver to such Auditor, at least within One Month after the said *Fifteenth* Day of *May* annually, all the Accounts, together with their Books and Vouchers; and it shall be the Duty of such Auditor to audit such Accounts, and either make a special Report thereon, or simply confirm the same; and such Report or Confirmation shall be read with the Account at such Meeting; and if any Dispute arise as to the Amount of Remuneration to be paid to such Auditor, it shall be settled by the Sheriff, whose Decision shall be final.

Auditor's Report.

PART I.

SECTION VIII.—*Orders in Council.*

78. Whenever it appears desirable to the Magistrates and Council of any Royal or Parliamentary Burgh, or to the Commissioners for executing this Act in any Burgh or populous Place, that Provision should be made in order the better to apply and execute therein the Provisions of this Act, in whole or part, or for the future Application and Execution of any Local Acts in force therein having Relation to the Purposes of this Act, or to the Roads or Streets within such Burgh or populous Place, or to any other Matter or Thing connected with the Management and Administration of the Municipal or Police Affairs of such Burgh or populous Place, or that any such Acts, or any Exemptions from rating therefrom derived, or that any Provisional Order or Order in Council applying this Act, hereby authorized to be made, should be wholly or partially repealed or altered:

Power to apply to Privy Council in certain Cases.

Or whenever it appears desirable to the Magistrates and Council of any Royal or Parliamentary Burgh where there is a Board of Police Commissioners separate from such Magistrates and Council to unite the Municipal and Police Government and Jurisdiction of any such Royal or Parliamentary Burgh in the Magistrates and Council thereof, to transfer to them all the Powers and Jurisdictions of Police, Paving, Lighting, and Watching granted to the Police Commissioners by any Local Acts, and to extend such Jurisdictions over the whole Limits of such Burghs:

Or whenever it appears desirable to the Magistrates and Councils, or the Police Commissioners of any Two or more contiguous Burghs, that Provision should be made for executing any great Conduits or

PART I. Adoption of the Act. Sect. 8.

Main Sewers, or any other Drainage Works necessary for the more effectually draining of such contiguous Burghs:

(1.) The Magistrates and Council, or the Commissioners, or the Magistrates and Councils of contiguous Burghs, as the Case may be, may present a Petition to One of Her Majesty's Principal Secretaries of State, praying for such Provision, Repeal, and Alteration as aforesaid, or for any of such Things, and such Petition shall be supported by such Evidence as the said Secretary requires:

(2.) Upon the Receipt of any such Petition, Inquiry may be directed by such Secretary of State in the District in respect to the several Matters mentioned in the Petition, after giving *Fourteen* Days Notice of the Time, Place, and Subject of the Inquiry; and, if requisite, the Sheriff shall proceed to the District to make the Inquiry:

(3.) The Sheriff shall, for the Purposes of the Inquiry, have Power to convene Meetings of the Magistrates and Council or Commissioners, or Meetings of the Householders, with *Fourteen* Days Notice of the Time, Place, and Subject of such Meetings, and to do all such Matters and Things as may be expedient for the Purposes of the Inquiry:

(4.) The Sheriff shall have Power to attend such Meetings:

(5.) It shall be lawful for any of Her Majesty's Principal Secretaries of State to issue a Provisional Order, under his Hand and Seal of Office, in relation to the several Things mentioned in the said Petition, either in accordance with the Prayer thereof, or with such Modifications or Alterations as may appear to him to be requisite.

Provision where Mortality exceeds certain Proportions.

79. Where it shall appear, from the Returns made up by the Registrar General of Births, Deaths, and Marriages, from the Deaths registered in a Period of not less than *Five Years*, that the Number of Deaths annually in any Burgh or populous Place, as defined in this Act, has on an Average exceeded the Proportion of *Twenty-three* to a Thousand of the Population of such Burgh or populous Place, the Lords and others of Her Majesty's Most Honourable Privy Council, or any Three or more of them, (the Lord President of the Council, or One of Her Majesty's Principal Secretaries of State, being One,) may, if and when they shall think fit, direct the Sheriff to visit such Burgh or populous Place, and to make public Inquiry, and to examine Witnesses as to the Sewage, Drainage, and Supply of Water, the State of the Burial Grounds, the Number and sanitary Condition of the Inhabitants, and as to any Local Acts of Parliament in force within such Burgh or populous Place for paving, lighting, cleansing, watching, regulating, supplying with Water, or improving the same, also

also as to the natural Drainage Areas, and the existing Municipal, Parochial, or other Local Boundaries, and the Boundaries which may be most advantageously adopted for the Purposes of this Act, and as to any other Matters in respect whereof the said Board of Her Majesty's Privy Council may desire to be informed, for the Purpose of enabling them to judge of the Propriety of reporting to Her Majesty or making an Order in Council as herein-after mentioned.

Procedure thereanent.

80. Before proceeding upon such Inquiry, the said Sheriff shall give *Fourteen* Days Notice of his Intention to make the same, and of a Time and Place at which he will be prepared to hear all Persons desirous of being heard before him, upon the Subject of such Inquiry, by Advertisement in some One or more of the public Newspapers usually circulated in the Parts to which the Inquiry shall relate, and in such other Manner as may appear to the said Sheriff to be necessary; and if upon such Report it appear to the said Board of Her Majesty's Privy Council to be expedient that this Act or any Part thereof should be applied to the Burgh or populous Place, they shall report to Her Maiesty accordingly; and at any Time after Presentation of such Report it shall be lawful for Her Majesty, by and with the Advice of Her Privy Council, to make an Order in Council, under their Hands and Seal of Office, that this Act or any Part thereof shall be applied to and put in full Force and Operation within such Burgh or populous Place; and if such Order relates to any populous Place, they shall in the said Order mark out, define, and specify the Boundaries of such populous Place, for the Purposes of this Act, and declare that such Place is a populous Place, in Terms of this Act, and otherwise make such Provisions, Regulations, Conditions, and Restrictions with respect to the Application and Execution of this Act or any Part thereof, and with respect to any Local Acts within Burghs possessing such, and the Repeal, Alteration, or future Execution of the same, as they may think necessary, under all the Circumstances of the Case, and such Order shall be recorded in the Sheriff Court Books of the County, and also published in such Manner as the said Board of Her Majesty in Council may direct.

Orders in Council to be confirmed by Parliament.

81. No such Order in Council or Provisional Order hereby authorized to be made shall be of any Validity unless the same has been confirmed by Act of Parliament; and it shall be lawful for the said Board of Her Majesty in Council, or for any One of Her Majesty's Principal Secretaries of State, as soon as conveniently may be, to obtain such Confirmation, and the Acts confirming such Order in Council or Provisional Order shall be deemed to be Public Acts of Parliament.

 82. All

PART II. Assessments. Sect. 1.

Costs how to be borne.

82. All Costs, Charges, and Expenses incurred by the said Board or Secretary of State in relation to such Orders in Council or Provisional Orders shall, to such Extent as the Commissioners of Her Majesty's Treasury think proper to direct, become a Charge upon the Police Assessment, and be repaid to the said Commissioners of Her Majesty's Treasury, together with Interest after the yearly Rate of *Five Pounds* in the *One hundred Pounds*, to be computed from the Date of the Order, upon so much of the Principal Sum due in respect of the said Costs, Charges, and Expenses as may from Time to Time remain unpaid.

PART II.

ASSESSMENTS.

SECTION I.—*Assessments for Police Purposes.*

Commissioners to make Police Assessment.

83. Once in each Year the Commissioners (being summoned in manner herein-before directed by written or printed Summonses, which shall state that the Meeting is for the Purpose of laying on an Assessment,) shall assess all Occupiers of Premises within the Burgh, according to the Valuation Roll made up and completed in Terms of the Acts in force for the Valuation of Lands and Heritages in Scotland, in the Sums necessary to be levied for the Police Purposes of this Act, and shall fix a Day on which the same shall be payable, and the Rate of Assessment and Day so fixed by the Commissioners shall be published by Handbills posted in the Burgh, and by Advertisement in any Newspaper circulating therein (if any be), or otherwise in some Newspaper circulating in the County in which the Burgh is situated: Provided always, that such Assessment shall not in any Year exceed the Rate of *Two Shillings and Sixpence* in the Pound where the Enactments of this Act with respect to Water have been adopted, or the Rate of *One Shilling and Sixpence* in the Pound where such Enactments with respect to Water have not been adopted; and such Assessment shall for the Purposes of this Act be called the Police Assessment.

Exceptions from Police Assessment.

84. It shall be lawful to the Commissioners, as they may see fit, to exempt all Premises which shall be let at a Rent under *Three Pounds or Five Pounds* respectively, but where Two or more Families or Persons shall live together as One Family in the same Premises, or where One Person shall occupy more Premises than One, the aggregate actual yearly Rent of such Premises shall be taken to be the Value of the Premises so occupied.

85. The

85. The Commissioners may, on the Ground of the Poverty or Inability to pay of any Person liable in the Police Assessment under this Act, remit, in whole or in part, Payment of the said Assessment by such Person, in such Manner as the Commissioners shall in their Discretion think just and reasonable, but upon no other Account whatsoever.

Commissioners may grant Relief from Police Assessment in case of Poverty.

86. The Police Assessment shall be levied from the Occupiers of all Premises, but Deduction shall be allowed by the Commissioners of the Assessment for any Period during which any Premises shall not be let or occupied under any Lease; but Owners and others who shall let for Rent, or hire Premises for less than a Year, shall themselves, as well as the Occupiers, be responsible for the said Assessment, applicable to any Period less than a Year, and the same may be recovered from such Owners or others, or from such Occupiers, as the Commissioners shall judge expedient.

Occupiers to pay Police Assessment.

87. The annual Value of any Arable, Meadow, or Pasture Ground in Burgh, and used as such, and all Woodland, Market Garden, or Nursery Ground, shall be held to be the nearest aggregate Sum of Pounds Sterling to *One Fourth* of the annual Value thereof entered in the said Valuation Roll; and it shall be lawful for any Owner or Occupier liable to Police Assessment under this Act in respect of any such Property situated within any Burgh to present a Petition to the Sheriff praying to have such Property declared liable to such Assessment upon the said Proportion of its Value only, and the Sheriff shall thereupon order the Petition to be served on the Commissioners upon such Induciæ as to him shall seem right, and after hearing Parties, and taking such Evidence as to him shall seem necessary, shall pronounce such Judgment as to him shall seem just and right; and it shall be lawful for the Sheriff at any future Time, on a Petition presented to him by the Commissioners, to find that any Part of such Property has ceased to be used for such Purposes, and to direct that the same shall thereafter be liable in Assessment at the same Rate as other Premises in the Burgh.

Arable Land, &c. how to be valued.

88. The Commissioners shall annually cause to be made up a Roll or Book of Assessment from the Valuation Roll aforesaid, showing the yearly Rent or Value of the Premises in the Burgh liable to be assessed under this Act for the Police Assessment, and according to which the Assessment under this Act is intended to be levied; and such Roll or Book of Assessment shall be open to Inspection by all Ratepayers in the Hands of the Collector, during the whole Period which shall intervene between the Date of laying on the annual Assessment and the Day appointed for Payment thereof; and the Commis-

Police Assessment Roll to be made up.

PART II. Assessments. Sect. 1.

Commissioners shall have Power to rectify any Error which may be found in such Roll or Book.

Recovery of Rates.

89. If the Police Assessment is not paid when the same falls due, the Commissioners may authorize the Collector, by a Docquet to that Effect endorsed on the said Roll or Book of Assessment, and signed by any Two of their Number, to take legal Proceedings for recovering from the different Parties liable therein, and remaining in arrear; and thereupon the Collector may present the said Roll or Book of Assessment, or a Copy thereof, docqueted and signed, and endorsed as aforesaid, to any One of the Magistrates of Police or other Magistrates of the Burgh, who is hereby authorized and required to grant such summary Decreets and Warrants as may be necessary for levying the same; and where any Person so assessed as aforesaid shall refuse or neglect to pay the Assessment charged upon him for the Space of *Ten* Days next after the same shall be due and demanded by the Collector, it shall be lawful for the Collector to apply to any such Magistrate for a Warrant to Officers to enter any Premises rented or possessed by the Person assessed, and refusing and neglecting as aforesaid, and to seize, carry away, and take possession of his Goods and Effects, and which Warrant such Magistrate is hereby authorized and required to grant, upon a Certificate signed by the Collector or Person who made the Demand, of such Demand having been made, and of such Person assessed being in arrear to the Amount stated in the Certificate; and if such Assessment shall not be paid within *Three* Days after such Seizure is made, together with the Charges and Expenses thereby incurred, then the Collector is hereby authorized to sell by public Roup, either on the Premises where the said Goods were seized, or any other Place, the whole or such Part of the said Goods or Effects as shall be sufficient to pay the said Assessment, with the Expenses attending such Seizure and Sale, returning the Surplus, if any be, to the Owner; and the Collector shall be bound to preserve the Warrants of such Seizures or Sales, and enter in a Book to be kept for that Purpose the Names of the Parties proceeded against, the Assessment due, the Expense of the Proceedings, and the true Proceeds of each Sale, which Book shall be open to the Inspection (without any Fee) of all Parties interested, for *Three* Months after the Date of each Sale respectively; and at any Time within that Period it shall be competent to any Party considering himself aggrieved to complain to any such Magistrate of anything done unjustly or oppressively in regard to such Seizure or Sale, such Complaints being made in the Form of Petitions subscribed by the Complainer, and the Decision of such Magistrato shall be final; or otherwise the Collector shall be and he is hereby authorized and empowered to prosecute for and recover all or any Part of such Assessment

Assessment in arrear before the Sheriff's Small Debt Court, or otherwise according to Law.

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90. No Misnomer, Mistake, or Informality committed in any Proceedings for Recovery of the Police Assessment, or any other Assessment, Rate, or Charge, under this Act, shall prejudice the Recovery of such Assessment, Rate, or Charge, and Expenses, nor shall such Proceedings fall, lapse, cease, or abate by the Death, Resignation, or Removal of the Collector instituting the same, or by any Change in the Persons holding Office as Commissioners, but it shall be lawful for the Collector for the Time to prosecute and follow forth Procedure commenced and carried on in the Name of any previous Collector in all respects as if such Procedure had been taken by himself: Provided always, that it shall not be competent for any Person to sue, nor for any Court of Law to entertain, any Action or Proceeding against the Commissioners, or the Collector or Officers or other Persons employed in executing any Warrant in reference to any Assessment, Rate, or Charge under this Act, by reason of any Mistake, Informality, or Misnomer, if the Goods or other Effects seized or sold under such Warrant were bonâ fide the Property or in the lawful Possession of the Person actually liable in Payment of such Assessment under the Provisions of this Act.

Misnomers, &c. not to affect Proceedings for Recovery of Assessments.

91. If any Person who shall be rated and assessed for the Police Assessment by virtue of this Act shall refuse or neglect to pay such Assessment before the Expiry of *Three* Months after such Assessment is declared payable as aforesaid, such Person shall be chargeable with an additional Sum of *One Penny* upon each Pound of the Rental of the Premises in respect of which such Person is assessed, which additional Sum shall be leviable along with and in the same Manner as the Police Assessment.

Persons not paying Assessments to be liable in additional Rate.

92. In case any Person liable in Payment of the Police Assessment shall remove to any Place beyond the Burgh, it shall nevertheless be lawful for the Commissioners, and their Collectors and Treasurers or other Officers, to put the Decrees and Warrants which may be granted for the Recovery of such Assessments in manner before mentioned into execution within or beyond the Burgh, in the same Manner as if such Person had continued to reside within the Burgh, such Decrees or Warrants being first endorsed by a Magistrate or Sheriff or Justice of the Peace for the Burgh or County within which they are to be put into execution.

Assessments to be recoverable beyond Burgh.

93. When the Provisions of this Act, or any Part thereof, shall have been adopted in any Burgh possessed of any free Income arising from

Common Good may contribute towards the

PART II. Assessments. Sect. 2.

Purposes of this Act.

from the Common Good of such Burgh, after Deduction of the Interest of any Debt which such Burgh may owe, and also the necessary annual Outgoings of such Burgh, there may be annually contributed therefrom such a reasonable Proportion towards the Police Purposes of this Act as the Town Council of such Burgh, having due Regard to the Extinction of the Capital of such Debt, shall think just.

Assessments for Sewers and Private Improvements.

PART II.

SECTION II.—*Assessments for Sewers and private Improvements.*

Where new Sewers are made, Commissioners may make special Sewer Rates.

94. Whenever the Commissioners shall resolve to make any new Sewer, they may charge the Owners of all the Premises liable to contribute to the Rates for making the same with Special Sewer Rates, over and above any other Assessment or Rates to which such Persons may be liable under this Act, and such Rate shall, for the Purposes of this Act, be called the "Special Sewer Rate."

Commissioners may make a General Sewer Rate distinct from other Rates.

95. The Commissioners shall, if necessary, make a Sewer Rate, to be called for the Purposes of this Act the "General Sewer Rate," distinct from any other Rate which they are authorized to make under this Act, to be applied in maintaining and clearing the Sewers, and all other Expenses connected with such Sewers not herein otherwise provided for, or which may not be fully defrayed by the Special Sewer Rate, and for securing and paying off any Monies which may be borrowed on the Security of the Special Sewer Rate under the Provisions of this Act, and the Interest of such Monies which the Special Sewer Rates shall be insufficient to defray.

Commissioners may assess.

96. The Commissioners may from Time to Time make Assessments in respect of the said Special Sewer Rate and General Sewer Rate hereby authorized to be levied on the Owners of all Premises within the Burgh, or within separate and distinct Districts; and in every Case in which the Commissioners shall see fit to make the said Assessments or either of them on separate and distinct Districts, they shall cause every such District to be described and defined as herein-after to be provided.

Rates to be levied on separate and distinct Districts.

97. The Commissioners may, in making the said Assessments for separate and distinct Districts, appoint, if they see fit, Surveyors, Collectors, and other Officers for every such District, and they shall cause separate and distinct Accounts to be kept of all Monies collected and received under any Rate in each distinct District, and of all Payments and Disbursements in respect thereof, and they shall apply the Monies to be collected and received from each distinct District under any such Rate as aforesaid for the several Purposes to

to which the same may be lawfully applied under the Authority of this Act, but so nevertheless that each District shall, as near as may be, bear its own Expenses; and in case any such Expenses shall apply to or be incurred in respect of Two or more Districts, the same shall be apportioned and divided between such Districts in such Manner as the Commissioners shall consider fair and equitable.

Where Premises were sufficiently drained before making new Sewer, Occupier to have a Reduction made in his Rates.

98. Where in the Judgment of the Commissioners any Premises were sufficiently drained before the making of such new Sewer, the Owners thereof shall be entitled to have such Deduction made from the Special Sewer Rates to which they would otherwise be liable in respect of the making of such new Sewer, having regard to the Cost of making such new Sewer, and to the Value and Efficiency of such old Sewer; and whenever any old Sewer is enlarged, or open Sewer closed, the Expense of such Enlargement, or of closing such open Sewer, shall be defrayed in like Manner as if it had been incurred in making a new Sewer.

Assessment for private Improvements.

99. Where by the Provisions of this Act the Owner or Occupier of any Premises is directed to do any Work, Matter, or Thing in relation to the same, and the Work, through the Failure or Delay of the Owner or Occupier to execute it, shall be done by the Commissioners, or where Expenses are incurred by the Commissioners for or in respect of any Premises, in order to carry out the Provisions of this Act, the Commissioners shall charge the Owner of the Premises with the said Expenses or Special Rates therefor, over and above any other Assessments or Rates to which such Owner may be liable under this Act, and such Expenses or Special Rates shall, for the Purposes of this Act, be called the "Private Improvement Assessment."

The Rates and Assessment to be Burdens on the Premises.

100. Such Special Sewer Rate, General Sewer Rate, and Private Improvement Assessment shall, with the legal Interest thereof from the Time when the same shall be declared payable, together with all Expenses incurred in the Recovery thereof, continue Burdens on the Premises liable for the same preferable to all Conveyances thereof, either absolutely or in Security, and whether prior or subsequent to such Rates or Assessments being incurred.

Rates and Assessment how to be imposed, and how Appeals to be entered and disposed of.

101. The said Rates or Assessments may be imposed and levied yearly, half-yearly, or at such other Periods as the Commissioners may think fit, and shall be payable at such Times as they appoint; and at the Meeting imposing the same the Commissioners shall appoint a Day on which such Rates or Assessments shall be payable, and another Day on which Appeals by any Parties complaining that they have been improperly rated or assessed may be lodged with the

PART II. Assessments. Sect. 2.

Clerk, and another Day or Days on which Appeals in reference to such Rates or Assessments shall be heard by the Commissioners; and Notice to each Party intended to be so rated or assessed, stating the Particulars of the intended Rate or Assessment as regards such Party, and specifying the several Days fixed by the Commissioners as aforesaid, shall be sent by the Clerk through the Post Office, at least *Four* Weeks preceding the Day which may be fixed for hearing the Appeal of such Party, and the Decision of the Commissioners upon all such Appeals shall be final; and the Commissioners may rectify such Rate or Assessment so appealed against.

Recovery of the said Rates and Assessment.

102. As soon as may be after disposing of the Appeals against any such Rate or Assessment, the Commissioners shall cause to be made up a Roll or Book of Assessment or separate Rolls or Books of Assessments applicable thereto, and the same, or a Copy thereof, docqueted and signed by any Two of the Commissioners, shall forthwith be delivered over to the Collector as the Rule for levying and collecting the said Rates or Assessments; and if the said Rates or Assessments shall not be paid when the same fall due, the Commissioners may authorize the Collector, by a Docquet to that Effect endorsed on the said Roll or Book of Assessment, or separate Rolls or Books of Assessments, and signed by any Two of their Number, to take legal Proceedings for Recovery of the same, together with the legal Interest thereof from the Day fixed for Payment thereof as aforesaid; and the Collector may present such Roll or Book of Assessment, or separate Rolls or Books of Assessment, or a Copy thereof, docqueted, signed, and endorsed as aforesaid, to any One of the Magistrates, and thereupon the whole Provisions of this Act in reference to the Recovery of Expenses incurred in respect of the Execution of Works herein-after provided shall apply to and be available for the Recovery of such Rates or Assessments and Interest, or the said Rates or Assessments, or any Part thereof, and Interest, with the Expenses attending the Recovery of the same, may be recovered in the same Way and Manner as Debts are recoverable by the Law of Scotland.

Application of Surplus Assessment.

103. If any Surplus of any Rate or Assessment under this Act shall remain at the End of any Year after the whole Expenses for which such Rate or Assessment was imposed and levied shall have been paid or provided for, every such Surplus respectively shall be applied towards the same Purpose in the Year following; and if any such Rate or Assessment for any Year shall not be sufficient for the Purpose for which it was imposed and levied, the Commissioners shall and they are hereby authorized and required to make Provision for the

the Payment of such Deficiency by Assessment or Rate for the Purpose in the following Year or Years, until the same shall be fully paid.

PART III. Appointment of Officers. Sect. 1.

PART III.

APPOINTMENT OF OFFICERS.

SECTION I.—*Appointment of Surveyor and Inspector.*

104. The Commissioners may from Time to Time, and as often as they shall think proper, appoint a Person duly qualified to act as a local Surveyor of the Paving and Drainage and other Works authorized under the Provisions of this Act, and may fix the Salary to be paid to such Surveyor, and pay such Salary out of the several Assessments or Rates levied under this Act, and that in such Proportions therefrom as the Commissioners shall see proper.

Commissioners may appoint a Surveyor.

105. The Commissioners may appoint some Person, by the Title of "Inspector of Nuisances," to superintend and enforce the due Execution of all Duties to be performed by the Scavengers appointed under this Act, and to report to the Commissioners any Breach of the Provisions of this Act, or of the Byelaws, Rules, and Regulations of the Commissioners, and the Existence of any Nuisances within the Burgh; and the Commissioners shall duly publish the Name of any Inspector of Nuisances appointed by them, and shall require him to provide and keep a Book in which shall be entered all reasonable Complaints made by any Inhabitant of the Burgh of any Breach of the Provisions of this Act, or of the Byelaws, Rules, and Regulations made by the Commissioners; and the Inspector of Nuisances shall forthwith inquire into the Truth of such Complaints, and report upon the same to the Commissioners at their next Meeting; and such Report, and the Order of the Commissioners thereon, shall be entered in the said Book, which shall be kept at the Office of the Commissioners, and shall be open at all reasonable Times to the Inspection of any Inhabitant of the Burgh or other Person interested.

Commissioners may appoint an Inspector of Nuisances.

106. The Commissioners may, if they think fit, appoint the same Person to be both Surveyor of Paving and Drainage and Inspector of Nuisances.

Same Person may be Surveyor and Inspector.

107. The Commissioners shall provide Offices for the Use of the said Surveyor and Inspector in some convenient Place within the Burgh

Commissioners to provide Offices for

PART II. Appointment of Officers. Sect. 2.

Surveyor and Inspector.

Burgh, either in connexion with their own Office or otherwise, as may be most convenient, and shall cause due Notice thereof to be given *Twice* at least in some Newspaper circulating within the Burgh.

PART III.

Constables, &c.

SECTION II.—*Appointment, Powers, Duties, and Privileges of Constables.*

Appointment of Superintendent of Police and of Constables.

108. The Commissioners shall from Time to Time appoint, at a fixed annual Salary, a Superintendent of Police, who shall not be removable or subject to have his Salary diminished by the Commissioners, unless with the Approbation of the Chief Magistrate of the Burgh, or of the Senior Magistrate of Police, and the Sheriff, or, in case of their differing in opinion, of Her Majesty's Advocate for the Time being; and as often as the Commissioners shall fix the Number of Constables which they shall judge necessary for the Burgh, the said Superintendent of Police is hereby authorized and empowered to appoint proper Persons for the Duty, and to direct their Distribution within the Burgh, and to remove them at pleasure; and the Superintendent of Police may also be appointed Surveyor of Paving and Draining and Inspector of Nuisances.

Duties of Superintendent of Police and Constables.

109. It shall be the Duty of the Superintendent of Police, and of the Constables to be appointed by him, to guard, patrol, and watch within the Burgh, according to the Regulations to be prescribed by the Superintendent of Police, under the Control of the Commissioners; and it shall be lawful for the said Superintendent or any Constable of Police, without any other Warrant than this Act, to apprehend and to bring before the Magistrates of Police all Persons who may be found within the Burgh actually committing any criminal, riotous, or disorderly Conduct or Act, or accused or suspected of having committed Crimes, Delinquencies, or Offences, of whatsoever Description, and at what Place and Period soever the same may have been or are suspected to have been committed, whether the same be of such a Kind as can be competently tried before the Magistrates of Police, or be of a Nature requiring to be remitted for Trial before a higher Tribunal, or which, from having been committed beyond the Bounds of the Burgh, fall to be tried in another Jurisdiction; and it shall be the Duty of the said Superintendent and Constables to carry into full Effect the whole Provisions and Regulations herein contained, and any Rules, Regulations, or Byelaws which may be made under this Act for the proper guarding, patrolling, and watching within the Burgh; and the Superintendent of Police and Constables shall at all Times afford their Aid and Assistance to the Magistrates of Police, and all other Judges and Magistrates having Jurisdiction within

within the Burgh, in all Matters relating to the Preservation of Peace and good Order, the Suppression of Nuisances, and the Removal of Obstructions within the Burgh, and they shall give Attendance at the Police Courts of the Burgh, and, when required, at all Meetings of the Commissioners or their Committees, and furnish them with all Explanations relating to Matters falling within their several Departments of Duty.

PART III. Appointment of Officers. Sect. 2.

110. The Superintendent of Police and Constables shall have all the Powers and Privileges appertaining for the Time being to any Constable by the Law of Scotland, as well as all the Powers and Privileges specially conferred on Constables by this Act; and the Superintendent of Police shall be a Constable within the Meaning of this Act.

Powers and Privileges of Superintendent of Police and Constables.

111. No Constable appointed under this Act shall resign his Office, or withdraw himself from the Duties thereof, unless expressly allowed so to do in Writing by the Commissioners or by the Superintendent of Police, or until after he has given to the Superintendent of Police *One Month's* Notice; and every Constable who so resigns or withdraws himself without such Leave or Notice shall be liable to forfeit all Arrears of Pay then due to him, and to a Penalty of not more than *Five Pounds*, or to Imprisonment for a Period not exceeding *Fourteen* Days.

Constables not to resign without Leave or Notice.

112. It shall be lawful for the Commissioners to fix and appoint suitable Wages to the Constables and other Persons employed by them, to pay the necessary Expenses incurred by them in the Execution of the Duty of their respective Offices, and to reward them for meritorious Services, and also to make Provision for any Superintendent, Constable, or other Servant of the Establishment employed for any of the Purposes of this Act who may at any Time be disabled in the Execution of his Duty.

Commissioners to fix Salaries of Constables.

113. Every Constable appointed under this Act who is dismissed from or ceases to hold or exercise his Office shall forthwith deliver over to the Superintendent of Police, or to such Person and at such Time and Place as the Commissioners direct, all the Clothing, Accoutrements, Appointments, and other Necessaries which have been supplied to him for the Execution of his Duty, under pain of Imprisonment, with or without Hard Labour, for any Time not exceeding *One Month;* and the Sheriff or any Magistrate may grant Warrant to search for and seize, for the Use of the Commissioners, all the Clothing, Accoutrements, Appointments, and other Necessaries not so delivered over, wherever the same are found.

Constables dismissed to deliver up Accoutrements.

 114. Every

PART IV. Police Purposes. Sect. 2.

Penalty for unlawful Possession of Accoutrements, or for assuming the Dress of Constables.

114. Every Person who, not being at the Time a Constable appointed under this Act, has in his Possession any Article being Part of the Clothing, Accoutrements, or Appointments supplied to any such Constable, and who is not able satisfactorily to account for his Possession thereof, or who puts on the Dress, or takes the Name, Designation, or Character of any Person appointed as such Constable, for the Purpose of thereby obtaining Admission into any House or other Place, or of doing or procuring to be done any Act which such Person would not be entitled to do or procure to be done of his own Authority, or for any other unlawful Purpose, shall, in addition to any other Punishment to which he is liable for such Offence, be liable to a Penalty not exceeding *Ten Pounds.*

Penalty for Neglect of Duty.

115. Every Constable who is guilty of any Neglect or Violation of his Duty as a Constable, and convicted thereof before the Sheriff or a Magistrate, shall be liable to a Penalty not exceeding *Ten Pounds,* the Amount of which Penalty may be deducted from the Salary or Wages due to him or to become due to him, or, in the Discretion of the Sheriff or Magistrate before whom he is convicted, he may be lawfully imprisoned for any Time not exceeding *One Month,* with or without Hard Labour.

Power to provide Offices, Watch-houses, &c.

116. The Commissioners may from Time to Time purchase or rent any Buildings or Land, and convert such Buildings into, or build on such Land, Offices, Watch-houses, Lock-up Houses and other Places necessary for the Purposes of this Act, with all proper Conveniences thereto, and may repair the same from Time to Time, and furnish and fit up the same, and employ proper Persons to take care thereof.

PART IV.

ORDINARY POLICE PURPOSES.

SECTION I.—*Lighting of Burghs.*

Streets to be lighted.

117. It shall be lawful for the Commissioners to make Provision for lighting in a suitable Manner the whole Streets, Lanes, Squares, public Passages, Thoroughfares, and Places within the Burgh, and to provide, erect, and maintain such a Number of Lamps, Lamp Posts, and Lamp Irons, and other Appurtenances, as may be necessary for that Purpose, and to light, or to enter into Contracts for lighting, and cause to be lighted, such Lamps by means of Oil or Gas, or such other Light of an improved Kind as they may find expedient; and the Commissioners are hereby authorized to order the Lamp Irons and Lamps to be fixed either upon the Sides of the Causeways, Streets, and

and Roads, or upon the Curbstones of the Pavements or Footways, or at the Rails or in the Walls of Buildings on the Sides of the Streets or Roads.

Penalty for wilfully breaking Lamps.

118. If any Person shall take away, or wilfully break, throw down, or damage, any Lamp or Lamp Post, or wilfully extinguish the Light or damage the Iron or Appurtenances of any such Lamp, it shall be lawful for any Person who shall see any such Offence committed to seize and apprehend, and for any Person to assist in seizing the Offender, and by the Authority of this Act, without any other Warrant, to convey such Offender to the Police Office, or to deliver him into the Custody of a Police Officer, Watchman, or Constable or other Officer, in order to be secured and taken before a Magistrate; and if the Person accused of such Offence, whether apprehended as aforesaid or afterwards cited for the same, shall be convicted thereof, either by his own Confession or on the Evidence of One credible Witness or other legal Evidence, such Person so convicted shall forfeit a Sum not exceeding *Ten Pounds* for every such Offence, and moreover shall make Satisfaction for the Damages so done by him; and in case such Offender shall not immediately on Conviction pay such Penalty and make such Satisfaction as aforesaid, such Magistrate is hereby empowered, in the summary Manner authorized by this Act, to commit such Offender to Prison for a Space not exceeding *Three* Months.

Persons accidentally breaking Lamps to repair the Damage.

119. If any Person shall, through Negligence or Accident, break any Lamp set up in any of the Streets, Lanes, Passages, or in common Closes or Stairs, and shall not, upon Demand, make satisfaction for such Damage, it shall be lawful for any of the Magistrates, upon Complaint thereof being established in the Police Court, under the summary Procedure authorized by this Act, to award such Sum of Money as the Damage proved shall amount to; and if the Sum so awarded shall not be forthwith paid upon Conviction, it shall be lawful to enforce Payment thereof in the same Manner as Penalties are directed to be recovered under this Act.

Price to be paid for Gas to be ascertained in case of Dispute.

120. If the Commissioners and the Owners of any Gasworks authorized by Act of Parliament to supply Gas within the Burgh, and with whom the Commissioners shall be desirous of contracting, shall not agree as to the Price to be paid for such Supply, then such Price shall be settled by Arbitration, and for that Purpose the Clauses of "The Lands Clauses Consolidation (Scotland) Act, 1845," with respect to the Settlement of Disputes by Arbitration, shall be incorporated with this Act.

 121. The

PART IV. Police Purposes. Sect. 2.

Owners to provide Lamps for common Stairs and private Stairs.

121. The Owner or Owners of common Stairs, or of Lands or Premises having a Right of Access by any common Stair or Passage, or of any Lands or Premises adjoining to and having a Right of Access by any private Street or Court, shall, when required by the Commissioners, within *Seven* Days next after Service of an Order for that Purpose, make Provisions for lighting such common Stair or Street or Court in a suitable Manner, and for that Purpose provide and erect all necessary Lamps, and alter, repair, and renew such Lamps to the Satisfaction of the Commissioners; and in default of Compliance with any such Order such Owners shall be liable to a Penalty not exceeding *Forty Shillings* for every Day that he or they shall so make default.

Penalty for not keeping common Stairs lighted.

122. If the Lamp or Lamps which may be erected in any common Stair is or are not regularly cleaned and lighted with Gas during such Hours as are from Time to Time fixed by the Commissioners, every Occupier of any Building or Part of a Building to which Access is obtained by such common Stair shall be liable to a Penalty not exceeding *Ten Shillings* for each Offence.

Penalty for not keeping private Streets and Courts lighted.

123. If the Lamp or Lamps which may be erected in any private Street or Court is or are not regularly cleaned and lighted with Gas during the same Hours every Night that the Lamps on the public Streets are lighted, every Owner of a Land or Heritage which adjoins to and has a Right of Access by such private Street or Court shall be liable to a Penalty not exceeding *Ten Shillings* for each Offence.

PART IV.

SECTION II.—*Cleansing Streets.*

Cleansing Streets.

Dust, &c., collected to be vested in the Commissioners.

124. The Dust, Dung, Ashes, Rubbish, and Filth (excepting always Stable and Byre Dung) within the Burgh shall be and the same are hereby vested in the Commissioners, who shall have Power to sell and dispose of the same as they think proper, and the Money arising therefrom shall be applied to the Police Purposes of this Act; and the Commissioners shall cause all the Streets, together with the Foot Pavements, from Time to Time to be properly swept and cleansed, and all the Dust, Dung, Ashes, Rubbish, and Filth to be collected from the Streets, Privies, Sewers, Cesspools, Houses, or Premises, and to be removed at such convenient Hours and Times as they shall consider proper.

Commissioners may provide

125. The Commissioners may from Time to Time provide Places convenient for the Deposit of the Night Soil, Dung, Ashes, and other Filth

Filth and Rubbish to be collected under the Authority of this Act, and for stabling and keeping all Horses, Carts, Implements, and other Things required for the Purposes of this Act; and for any of such Purposes the Commissioners may purchase or hire any Lands or Buildings by them considered necessary, or they may cause any new Buildings to be made upon any Lands which shall be purchased or hired by them under the Provisions of this Act.

PART IV. Police Purposes. Sect. 2.

Lands, &c. for Deposit of Soil and Materials.

126. The Commissioners, if they think fit so to do, may cause any Number of moveable or fixed Dust Boxes or other Conveniences, wherein Dust and Ashes may be deposited until removed and carried away, to be provided and placed in such of the Streets as they shall judge necessary, and may require the Occupiers of Premises within such Streets to cause all their Dust and Ashes to be deposited daily in the said Dust Boxes or other Conveniences; and every Person who, being so required, shall fail to deposit or cause to be deposited any Ashes or Dust in some of such Dust Boxes or other Conveniences shall for every Offence be liable to a Penalty not exceeding *Ten Shillings.*

Dust Boxes to be erected by Commissioners.

127. The Commissioners may erect such public Waterclosets, Privies, and Urinals within the Burgh, and in such Situations as they think fit, and may defray the Expense thereof and of keeping the same in good Order, and may make Compensation for any Injury occasioned to any Person by the Erection thereof, out of the Monies to be levied under this Act.

Commissioners may cause public Conveniences to be erected.

128. The Commissioners shall, as often as Occasion requires, cause the Streets to be watered, and they may contract with any Water Company or other Party for a Supply of Water for that Purpose, and for cleansing the Sewers and Drains; and, if necessary, they may place Pipes, Conduits, and Pumps in any of the Streets, or provide any other Works and Engines proper for that Purpose, and remove and alter the same when and as they think proper.

Commissioners to cause Streets to be watered, and Wells, Pumps, &c. to be provided.

129. The Commissioners shall appoint and employ a sufficient Number of Scavengers, or contract with any Company or Person to employ Scavengers, for sweeping, cleansing, and watering the Streets, and for removing all Dust, Ashes, Rubbish, and Filth therefrom, and for emptying Privies and Cesspools in the Manner by this Act directed; and such Scavengers shall, on such Days and at such Hours and in such Manner as the Commissioners shall from Time to Time appoint, sufficiently execute all such Works and Duties as they have respectively contracted or been employed to perform; and every such Contractor who fails to sweep and properly cleanse or water

Commissioners to appoint Scavengers.

PART IV. Police Purposes. Sect. 2.

water any Street which he has contracted to sweep, cleanse, or water, or who fails to clean out and empty any Privy, Cesspool, or Sewer which he has contracted to clean out and empty, at the Time and in the Manner appointed by the Commissioners, or to collect or remove any Dirt, Ashes, or Rubbish which he has contracted to remove, at the Time and in the Manner prescribed by the Commissioners for that Purpose, or who lays any of such Soil, Dust, Ashes, or Rubbish or Filth in any other Places than such as are appointed by the Commissioners for that Purpose, shall for every such Offence be liable to a Penalty not exceeding *Five Pounds.*

Penalty for obstructing Scavengers.

130. Every Person who refuses to permit the said Scavengers to remove such Dirt, Ashes, or Rubbish as by this Act they are authorized to do, or who obstructs the said Scavengers in the Performance of their Duty, shall for every such Offence be liable to a Penalty not exceeding *Five Pounds.*

Penalty on Persons other than Scavengers removing Dirt.

131. Every Person, other than the Person employed by the Commissioners, or by some Person contracting with the Commissioners for that Purpose, who collects or carries away any Night Soil, Dust, Ashes, Rubbish, or Filth by this Act directed to be collected or removed by the Commissioners, or by Persons employed by them, shall be liable to a Penalty not exceeding *Forty Shillings* for every such Offence.

Horse and Cow Dung to be kept off the Streets.

132. It shall not be lawful to deposit any Horse or Cow Dung upon the public Streets (Mews or Stable Lanes excepted); and no Horse or Cow Dung, wherever lawfully kept, shall be mixed with any Dung, Soil, Dirt, Ashes, or Filth declared by this Act to be the Property of the Commissioners; and where any Horse or Cow Dung shall be found in any Street (excepting as aforesaid), or shall be so mixed, the same shall be taken possession of by the Inspector of Nuisances, and sold, and the Proceeds of such Sale accounted for and applied to the Police Purposes of this Act.

Stables and Byres to be kept clean.

133. All Stables and Byres, and Areas therewith connected, shall be constantly kept in a clean Condition to the Satisfaction of the Inspector of Nuisances, under a Penalty not exceeding *Twenty Shillings* for each Offence; and it shall be the Duty of the Inspector from Time to Time to examine the State of all such Places, with a view to the Enforcement of this Enactment.

Closes, Areas, and Wastages to be cleansed by Proprietors.

134. All Private Closes and Thoroughfares, and all Areas and Wastages, which are not cleansed by Scavengers appointed under this Act, shall be kept clean, and clear of all Dung, Filth, and Rubbish, and

and such Closes and Thoroughfares shall at least *Three* Times in every Week, and such Areas and Wastages as often as may be necessary, or when required by the Superintendent of Police or Inspector of Nuisances, be cleaned out, by or at the Expense of the Owners of such Closes, Thoroughfares, Areas, or Wastages, or of Premises therein respectively; and if such Closes, Thoroughfares, Areas, or Wastages shall not be so kept and cleansed the Owners shall be liable to a Penalty not exceeding *Ten Shillings* for every such Offence.

Penalty for Neglect.

135. It shall be lawful for the Magistrates or any of them, after Inspection and Report by the Superintendent of Police or Inspector of Nuisances, to limit the Time within which all common Necessaries and Dungsteads shall be emptied and cleaned out; and if the Owner, or any other Person under Obligation by Contract or otherwise to empty or clean out such Places, shall fail so to do within the Time so limited, such Owner or other Person shall be liable in a Penalty not exceeding *Twenty Shillings*, besides Forfeiture of the Dung in such Place, which Dung the Inspector of Nuisances, or any other Officer authorized by the Magistrates, may remove or dispose of, or cause to be removed and disposed of, and the Proceeds, under Deduction of the Expenses of Removal, shall be applied to Police Purposes under this Act.

Dungsteads, &c. to be cleaned out.

136. Every Person who shall lay or cause to be laid on any of the Streets any Dung or Manure, for the Purpose of removing the same, shall remove and take the same away before *Eight* of the Clock of the Day on which it shall be so laid in the said Streets, from the First Day of *October* to the First Day of *April*, and before *Seven* of the Clock of the Day from the First Day of *April* to the First Day of *October*; and if Dung or Manure shall be allowed to remain on any Part of the said Streets after the said Hours, the Person offending shall be liable to a Penalty not exceeding *Five Shillings* for each Offence, and that over and above the Forfeiture of the Dung or Manure, which shall be removed by the Officers of Police, who shall have Power to dispose of the same for the Police Purposes of this Act.

As to Removal of Dung.

137. The Commissioners may from Time to Time fix the Hours within which only it shall be lawful to remove offensive Matter; and when the Commissioners have fixed such Hours, and given public Notice thereof, every Person who removes along any Street or Thoroughfare any offensive Matter at any Time, except within the Hours so fixed, and every Person who at any Time, whether such Hours have been fixed by the Commissioners or not, uses for any such Purpose any Cart or Carriage not having a Covering proper for preventing

Penalty for conveying offensive Matter at improper Times.

PART IV. Police Purposes. Sect. 3.

preventing the Escape of the Contents of such Cart, or of the Stench thereof, or who wilfully spills any such offensive Matter in the Removal thereof, or who does not carefully sweep and cleanse every Place in which any such offensive Matter has been placed or unavoidably spilled, shall for every such Offence be liable to a Penalty not exceeding *Forty Shillings;* and in default of the Apprehension of the actual Offender the Driver or Person having charge of the Cart or Carriage employed for any such Purpose shall be deemed to be the Offender. 5

PART IV. 10

Paving.

SECTION III.—*Paving and maintaining Streets.*

Power to the Commissioners to improve and form public Streets.

138. The Commissioners may from Time to Time cause all or any of the Streets within the Burgh, or any Part of such Streets respectively, to be raised, lowered, altered, and formed in such Manner and with such Materials as they think fit, and they shall also repair such Streets and the Footways thereof from Time to Time: Provided always, that nothing in this Act contained shall interfere with any Right to have applied to such Streets any Commutation for Statute Labour or other Fund by Law applicable to the Maintenance or Repair of such Streets; and any Person considering himself aggrieved may appeal to the Sheriff in manner herein-after mentioned. 15 20

Commissioners may place Fences to Footways.

139. The Commissioners shall from Time to Time place such Fences and Posts on the Side of the Footways of Streets as may be needed for the Protection of Passengers on such Footways, and they may place Posts in the Carriageways of such Streets, so as to make the crossing thereof less dangerous for Foot Passengers, and they shall from Time to Time repair any such Fences or Posts, or may remove the same, or any Obstructions to any such Carriageway or Footway, as they think fit. 25

Penalty on Persons altering Pavements without the Consent of the Commissioners.

140. Every Person who wilfully displaces, takes up, or makes any Alteration in the Pavement, Flags, or other Materials of any Street, without the Consent of the Commissioners in Writing, or without other lawful Authority, shall be liable to a Penalty not exceeding *Five Pounds,* and also a further Sum, not exceeding *Five Shillings,* for every Square Foot or Part of a Square Foot of the paved Flags or other Materials of the Street exceeding One Square Foot so displaced, taken up, or altered. 30 35

Foot Pavements of Turnpike Roads.

141. And be it enacted, That the Owners of all Houses and other Buildings, or of Gardens, Yards, Grounds, and other Heritages on which

which Buildings are not erected, which are adjoining to or fronting any Road or Street under the Management of any Turnpike or other Road Trustees, shall, at their own Expense, when required by the Commissioners, cause Footways before their Property respectively on 5 the Sides of the said Road or Street to be made, and to be well and sufficiently paved with flat hewn or other Stones, or to be constructed in such other Manner and Form and of such Breadth as the Commissioners shall direct, and thereafter the said Footways shall be maintained in the same Manner as the Footways of other Streets 10 within the Burgh: Provided always, that any Liability attaching in Law to the said Trustees of any Turnpike or other Road, or other Persons liable to make or maintain such Footways, shall not be affected, altered, or abridged hereby, but such Owners shall be entitled to Relief from such Trustees or other Persons liable to them 15 therefor.

Private Streets not properly formed.

142. Whereas it would conduce to the Convenience of the Inhabitants, and be for the public Advantage, if Provision were made for the levelling and flagging of Streets which have been laid out and formed by Persons who have neglected to have the same properly 20 levelled and paved, and for preventing such Inconveniences in future: Be it therefore enacted, That where any private Street or Part of a Street is at the Adoption of this Act formed or laid out, or shall at any Time thereafter be formed or laid out, and is not, together with the Footways thereof, sufficiently levelled, paved, or flagged to the 25 Satisfaction of the Commissioners, it shall be lawful for the Commissioners to cause any such Street or Part of a Street, and the Footways thereof, to be freed from Obstructions, and to be properly levelled, made, paved, or flagged, and channelled, in such Way and with such Materials as to them shall seem most expedient; and no such Street 30 shall be considered to have been sufficiently paved and flagged unless the same shall be completed with Kerbstones and Gutters to the Satisfaction of the Commissioners.

Expense to be paid by Owners.

143. The whole of the Costs, Charges, and Expenses incurred by the Commissioners in respect of said private Streets shall be paid 35 and reimbursed to them by the Owners of the Premises fronting or abutting on each Street, in proportion to the Extent of their respective Premises fronting or abutting upon the said Street, as the same shall be ascertained and fixed by the Commissioners or their Surveyor.

In certain Cases Proportion of Expenses to be fixed by Commissioners.

144. Where One or more private Streets or Parts thereof serve 40 for or lead to various Premises adjoining the same, or where from the peculiar Nature of the Locality, in the Judgment of the Commissioners, the Proportions of each Owner cannot be regulated according to

PART IV. Police Purposes. Sect. 4.

to the Frontage as above provided for, the Commissioners shall fix and determine the Premises the Owners of which shall be liable for such Costs, Charges, and Expenses, and the Proportions leviable from each Owner, as they shall consider, under all the Circumstances of the Case, to be just. 5

Owners to be liable only for Proportions of Expenses.

145. Each Owner shall be liable only for his own Proportion of the said Costs, Charges, and Expenses, and any Owner who shall have well and substantially, and to the Satisfaction of the Commissioners, levelled, made, paved, or flagged and channelled any Part of the said Street or of the Footways thereof, or done any of such Works, shall be entitled to such Relief as shall appear to the said Commissioners to be just. 10

Private Streets may be declared Streets, as defined in this Act.

146. If any private Street shall at any Time be made, paved, flagged, and put in good Order and Condition to the Satisfaction of the Commissioners, then, and on Application of any One or more of the Owners of Premises fronting or abutting upon such Street, it shall be lawful for the Commissioners to declare the same to be a Street, as defined in this Act, and for ever afterwards vested in the Commissioners, and shall be repaired and repairable by the Commissioners, under the Authority and Powers of this Act. 15 20

Liability of Superiors, &c. not to be affected.

147. Nothing in this Act contained shall affect any Right of Relief in regard to such Streets which the Owner or any other Person may have by Feu Contract or otherwise.

PART IV.

Naming Streets.

SECTION IV.—*Naming the Streets, and numbering the Houses.* 25

Houses to be numbered and Streets named.

148. The Commissioners shall from Time to Time cause the Houses and Buildings in all or any of the Streets, whether private or not, to be marked with Numbers, as they think fit, and shall put up or paint on a conspicuous Part of some House, Building, or Place, at or near each End, Corner, or Entrance of every such Street, the Name by which such Street is to be known; and every Person who destroys, pulls down, or defaces any such Number or Name, or puts up any Number or Name different from the Number or Name put up or caused to be put up by the Commissioners, shall be liable to a Penalty not exceeding *Forty Shillings* for every such Offence. 30 35

Numbers of Houses to be renewed by Owner.

149. The Owners of Houses and other Buildings in the said Streets shall mark their Houses with such Numbers as the Commissioners direct, and shall renew such Numbers as often as they

they become obliterated or defaced; and every such Owner who fails, within *One Week* after Notice for that Purpose from the Commissioners, to mark his House with a Number directed by the Commissioners, or to renew such Number when obliterated, shall be liable to a Penalty not exceeding *Forty Shillings;* and the Commissioners shall cause such Numbers to be marked or to be renewed, as the Case may require.

PART IV. Police Purposes. Sect. 5.

PART IV.

SECTION V.—*Improving Streets and removing Obstructions.*

Improving Streets.

150. The Commissioners may allow, upon such Terms as they think fit, any Building within the Burgh to be set forward for improving the Line of the Street in which such Building or any Building adjacent thereto is situated.

Houses may be set forward for improving Line of Street.

151. The Commissioners may agree with the Owners of any Lands within the Burgh for the absolute Purchase thereof for the Purpose of widening, enlarging, or otherwise improving any of the Streets, and they may re-sell any Parts of the Land so purchased which shall not be wanted for the Enlargement of the Street.

Power to purchase Houses, &c. for additional Improvements.

152. When any House or Building, any Part of which projects beyond the regular Line of the Street, or beyond the Front of the House or Building on either Side thereof, has been taken down in order to be altered, or is to be rebuilt, the Commissioners may require the same to be set backwards to or toward the Line of the Street, or the Line of the adjoining Houses or Buildings, in such Manner as the Commissioners may direct, for the Improvement of such Street: Provided always, that the Commissioners shall make full Compensation to the Owner of any such House or Building for any Damage he thereby sustains.

Houses projecting beyond Line of Street, when taken down, to be set back.

153. The Commissioners may give Notice to the Owner of any House or Building to remove or alter any Porch, Shed, projecting Window, Step, Cellar, Cellar Door or Window, Sign, Sign Post, Sign Iron, Showboard, Window Shutter, Wall, Gate, or Fence, or any other Obstruction or Projection erected or placed, after the Adoption of this Act, against or in front of any House or Building within the Burgh, and which is an Obstruction to the safe and convenient Passage along any Street; and such Owner shall, within *Fourteen* Days after the Service of such Notice upon him, remove such Obstruction, or alter the same in such Manner as shall have been directed by the Commissioners, and in default thereof shall be liable to

Future Projections of Houses, &c. to be removed, on Notice.

PART IV. Police Purposes. Sect. 5.

to a Penalty not exceeding *Forty Shillings;* and the Commissioners in such Case may remove such Obstruction or Projection, and the Expense of such Removal shall be paid by the Owner so making default, and shall be recoverable by the Commissioners.

Commissioners may cause existing Projections to be removed, and Compensation to be made.

154. If any such Obstructions or Projections were erected or placed against or in front of any House or Building in any such Street before the Adoption of this Act, the Commissioners may cause the same to be removed or altered as they think fit, provided that they give Notice of such intended Removal or Alteration to the Owner of the House or Building against or in front of which such Obstruction or Projection shall be *Thirty* Days before such Alteration or Removal is begun; and if such Obstructions or Projections shall have been lawfully made, they shall make reasonable Compensation to every Person who suffers Damage by such Removal or Alteration.

Doors in future to be made to open inwards.

155. All Doors, Gates, and Bars put up after the Adoption of this Act within the Burgh, and which open upon any Street, shall be hung or placed so as not to open outwards, except when, in the Case of public Buildings, the Commissioners allow such Doors, Gates, or Bars to be otherwise hung or placed; and if, except as aforesaid, any such Door, Gate, or Bar be hung or placed so as to open outwards on any Street, the Owner of the Premises to which such Door, Gate, or Bar is attached shall, within Eight Days after Notice from the Commissioners to that Effect, cause the same to be altered so as not to open outwards; and in case he neglect so to do the Commissioners may make such Alteration, and the Expenses of such Alteration shall be paid to the Commissioners by such Owner, and shall be recoverable from him, and he shall in addition be liable to a Penalty not exceeding *Forty Shillings.*

Doors opening outwards may be altered.

156. If any such Door, Gate, or Bar was, before the Adoption of this Act, hung so as to open outwards upon any Street, the Commissioners may alter the same, so that no Part thereof when open shall project over any public Way.

Coverings for Cellar Doors to be made by Occupier.

157. When any Opening is made in any Pavement or Footpath within the Burgh as an Entrance into any Vault or Cellar, a Door or Covering shall be made by the Owner of such Vault or Cellar, of Iron or such other Materials and in such Manner as the Commissioners direct, and such Door or Covering shall from Time to Time be kept in good Repair by the Owner of such Vault or Cellar; provided always, that before such Opening is made the Consent of the Commissioners thereto shall be obtained in Writing; and if such Owner do not within a reasonable Time make such Door or Covering, or if

Penalty for Neglect.

if he make any such Door or Covering contrary to the Directions of the Commissioners, or if he do not keep the same when properly made in good Repair, he shall for every such Offence be liable to a Penalty not exceeding *Five Pounds.*

PART IV. Police Purposes. Sect. 6.

Waterspouts to be affixed to Houses or Buildings.

158. The Owner of every House or Building in, adjoining, or near to any Street shall put up and keep in good Condition a Shoot or Trough of the whole Length of such House or Building, and shall connect the same with a Pipe or Trunk to be fixed to the Front or Side of such Building from the Roof to the Ground, to carry the Water from the Roof thereof, in such Manner that the Water from such House, or any Portico or Projection therefrom, shall not fall upon the Persons passing along the Street, or flow over the Footpath; and for the latter Purpose it shall be lawful for any such Owner to take up so much of the Pavement or Flagging of any Street as may be requisite, and to lay down such Drains or Tunnels, or fix Iron Drain Gutters, under the Direction of the Commissioners; and all Damage which may thereby be occasioned to the Pavement or Flagging of the Footpath or Carriageway shall be made good at the Expense of such Owner; and in default of Compliance with this Enactment such Owner shall be liable to a Penalty not exceeding *Forty Shillings* for every Day that he shall so make default, after being required by the Commissioners to comply therewith.

Parties aggrieved may appeal to the Sheriff.

159. Provided always, That, as regards the improving the Line of any Street and removing Obstructions, it shall be lawful for any Person whose Property may be taken or affected, and who thinks himself thereby aggrieved, to appeal to the Sheriff in manner hereinafter mentioned.

PART IV.

SECTION VI.—*Laying out new Streets.*

New Streets.

Notice of Intention to lay out new Streets to be given to Commissioners.

160. Every Person who intends to make or lay out any new Street shall give Notice thereof to the Commissioners, in order that the Level of such Street may be fixed by the Commissioners: Provided always, that where any Street has, previous to the Adoption of this Act, been in whole or in part the Subject of any Contract then existing, the same shall not be held or taken to be a new Street within the Meaning of this Act.

Levels to be fixed by the Commissioners.

161. The Level of every such new Street shall be fixed by the Commissioners within *Six* Weeks after the Delivery of such Notice, but subject to Appeal to the Sheriff, if such Appeal shall be entered within

PART IV. Police Purposes. Sect. 6.

within *Three* Weeks from the Date of Intimation of such Deliverance by the Commissioners; and the Decision of the Sheriff, if such Appeal be taken, or such Deliverance by the Commissioners if not appealed to the Sheriff, shall be final; and the Level so fixed shall be kept thereafter by every Person raising any House or other Building in such Street.

If the Commissioners fail to fix the Level, the Party may proceed without.

162. If the Commissioners do not fix such Level within *Six* Weeks from the Time of the Delivery of such Notice as aforesaid, the Person giving such Notice may proceed to lay out the Street at any Level which will allow of Compliance with the other Provisions of this Act, as if such Level had been fixed by the Commissioners; and in such Case every Change of the Level which the Commissioners afterwards deem requisite, and the Works consequent thereon, shall be made by the Commissioners, and the Expense thereof, and any Damage which any Person sustains in consequence of such Alteration, shall be defrayed by them out of the Police Assessment.

Persons laying out Streets without Notice to be liable to the Expenses of subsequent Alterations of Levels.

163. Every Person who makes or lays out any such new Street as aforesaid, without causing such Notice to be given to the Commissioners as aforesaid, shall be liable to defray all the Expenses consequent upon any Change of the Level of the said Street deemed requisite by the Commissioners; and every Person who in building any House or other Building in such Street does not keep the Level fixed by the Commissioners shall be liable to defray all the Expenses consequent upon any Change of the Level of that Part of the Street on which such House or Building abuts which the Commissioners deem requisite.

Situation of Gas and Water Pipes to be altered, at the Expense of the Commissioners.

164. If the Commissioners deem it necessary to raise, sink, or otherwise alter the Situation of any Water Pipe or Gas Pipe, or other Waterworks or Gasworks, laid in any of the Streets, they may from Time to Time, by Notice in Writing, require the Person to whom any such Pipes or Works belong to cause forthwith any such Pipes or Works to be raised, sunk, or otherwise altered in Position in such Manner as the Commissioners may direct; provided that such Alteration be not such as permanently to injure such Works, or to prevent the Water or Gas from flowing as freely and conveniently as before; and the Expenses attending such raising, sinking, or altering, and full Compensation for every Damage done thereby, shall be paid by the Commissioners out of the Police Assessment, or other Rates or Assessments, as the Case may be, as well to the Persons to whom such Pipes or Works belong as to all other Persons.

165. If

165. If the Person to whom any such Pipes or Works belong do not proceed forthwith, after the Receipt of such Notice, to cause the same to be raised, sunk, or altered, in such Manner as the Commissioners require, the Commissioners may themselves cause such Pipes or Works to be raised, sunk, or altered, as they think fit; provided that such Works be not permanently injured thereby, or the Water or Gas prevented from flowing as freely and conveniently as before.

If Gas or Water Company neglect to make the Alteration, the Commissioners may cause the same to be done.

166. It shall be lawful for the Commissioners to agree with any Persons for the making of Roads or Streets for the Public Use through the Lands and at the Expense of such Persons, and to agree that such Roads or Streets shall become and the same shall accordingly become, on Completion, public Streets maintainable and repairable at the Public Expense; and it shall be lawful for the Commissioners, with the Consent of *Two Thirds* of their Number, to agree with such Persons to pay any Portion of the Expense of making such Roads or Streets out of the Police Assessment, and accordingly to pay the same.

Commissioners may agree that certain Roads shall become Streets.

167. Where any Part of the Burgh is bounded or washed by the Sea, it shall be lawful for the Commissioners to agree with the Trustees of any Turnpike Road in the District, and the Proprietors of the Sea Beach or Shore, or either of them, for the making of Roads or Streets and Accesses for the Public Use to and from or along the said Sea Beach or Shore, at the Expense of such Trustees and Proprietors or either of them, and it shall be lawful for the Commissioners, as well as the said Trustees or Proprietors, to agree to pay any Portion of the Expense of making such Roads or Streets and Accesses out of the Police Assessment, and accordingly to pay the same; and it shall be lawful to the Commissioners to agree that such Roads or Streets and Accesses shall become and the same shall accordingly become, on Completion, Public Roads or Streets maintainable and repairable at the Public Expense, on such Terms and Conditions as may be agreed on with the said Trustees and Proprietors or either of them: Provided always, that the Owners of the Houses, Buildings, and Lands abutting on said Roads or Streets shall always be liable in the Expense of paving and flagging the same, together with the Footways thereof, in all respects as in regard to private Streets within the Burgh.

Accesses to and along Sea Beach.

168. It shall not be lawful to form, lay out, or build any new Street or Part thereof within the Burgh, unless the same shall (measuring from the Buildings or intended Buildings therein, at the Level of the Surface of the Boundary of such Street,) be at least *Thirty* Feet wide; and in every such Street there shall be at least

Width of new Streets.

PART IV. Police Purposes. Sect. 6.

least a clear Space for the Bed of the Street of not less than *Twenty* Feet in Width, and in the like Proportions for Streets of greater Width; and no Dwelling House or Premises shall be built in any such Street which shall exceed in Height the Width of such Street, measuring from the Front of the Buildings or intended Buildings on each Side thereof. 5

Width of new Courts.

169. It shall not be lawful to form, lay out, or build any Court unless the same shall be of a clear Width of *Fifteen* Feet, measuring from the Buildings or intended Buildings therein: Provided always, that to any such Court in which there shall be more than *Eight* Houses there shall be an additional Width of *One Foot* for every such additional House; and provided also, that there shall be an Entrance to every such Court of the full Width thereof, and open from the Ground upwards. 10

Height of Houses in Courts.

170. It shall not be lawful to build any Houses in any Court which shall be of greater Height than *Forty* Feet, nor shall any Houses in any Court contain more than Two Flats above the Ground Flat, which Height shall be taken from the Level of the Ground Floor to the Eave of the Roof. 15

Penalty for forming Streets and building contrary to Act.

171. Every Person who shall, from and after the Adoption of this Act, form or lay out, or permit or suffer to be formed or laid out, any new Street or Court, or any Part thereof respectively, within the Burgh, or who shall build, raise, or add to any House or Premises therein, or permit or suffer the same to be done, contrary to the Provisions of this Act, shall forfeit and pay a Sum not exceeding *Twenty Pounds*, and a further Sum not exceeding *Five Pounds* per Day for every Day after the first during which he shall permit or suffer such new Street or Court, or Part of a Street or Court, or such Houses or Premises, to remain so formed, laid out, built, or added to as last aforesaid: Provided always, that the Provisions of this Act relating to the Width of Streets, and to the Width and Construction of Courts, shall not extend or apply to any existing Street or Court which shall be proved to the Satisfaction of the Commissioners to have been agreed to have been formed previous to the Adoption of this Act. 20 25 30 35

Removal of Toll Bars within Burgh.

172. It shall be lawful for the Commissioners, and for the Trustees of any Turnpike Road on which One or more Toll Bars exist within the Burgh, to contract for the Removal of such Bar or Bars beyond the Limits of the Burgh, and also, if thought expedient, for the Relinquishment by such Trustees, and the Assumption by the Commissioners as a public Street, of the whole of the said Turnpike Road 40

so

so far as situated in the Burgh, or of a Portion thereof, all on such Terms and Conditions, and in consideration of such single or annual Payment out of the Funds belonging to or under their Control respectively, as may be mutually agreed on.

PART IV. Police Purposes. Sect. 7.

5 PART IV.

SECTION VII.—*Public Sewers.*

Public Sewers.

Sewers, &c. vested in Commissioners.

173. All Sewers and Drains within the Burgh, whether existing at the Time when this Act is applied or made at any Time thereafter, (except Sewers and Drains within the private Property of any Person 10 made and used as of private Right by any Person or Persons for his or their own Benefit, or for the Benefit of Proprietors or Shareholders, and except Sewers and Drains made and used for the Purpose of draining, preserving, or improving Land, under any Local or Private Act of Parliament, or for the Purpose of irrigating Land,) shall vest 15 in and belong to and be entirely under the Management and Control of the Commissioners.

Power to purchase, &c. certain Sewers.

174. The Commissioners may, if they shall think fit, purchase the Rights, Privileges, Powers, and Authorities vested in any Person for making Sewers not hereby vested in the Commissioners, or 20 contract for the Use of any such Sewers within the Burgh, or purchase any such Sewers, with or without the Buildings, Works, Materials, and Things belonging or appertaining thereto; and any Person to whom any such Rights, Privileges, Powers, Authorities, Sewers, Buildings, Works, Materials, or Things belong may sell and 25 dispose of the same to or otherwise contract with the Commissioners; and in case of any such Sale the Purchase Money shall be settled and applied to the same Uses and Trusts to which the Property purchased may have been subject at the Time of such Sale, and the Property purchased shall vest in and belong to the Commis- 30 sioners purchasing the same, anything to the contrary notwithstanding: Provided always, that, notwithstanding any such Purchase, any Person who previously thereto may have acquired perpetual Right to use any Sewer so purchased shall be entitled to use the same, or any other Sewer substituted in lieu thereof, in as full and ample a 35 Manner as he would or might have done if such Purchase had not been made.

Private Sewers or Water-courses, &c. not to be used without Consent.

175. Nothing in this Act contained shall be construed to authorize the Commissioners, contrary to or inconsistently with any private Right, to use, injure, or interfere with any Sewers or other Works 40 already made or used for the Purpose of draining, preserving, or improving

PART IV. Police Purposes. Sect. 7.

improving Land under any Local or Private Act of Parliament, or for the Purpose of irrigating Lands, or to use, injure, or interfere with any Watercourse, Stream, River, Dock, Basin, Wharf, Quay, or Towing-path in which the Owner or Occupier of any Lands, Mills, Mines, or Machinery, or the Proprietors of any Canal or Navigation, shall have Right and Interest, without Consent in Writing first had and obtained from the Person legally entitled to grant the same; and nothing herein contained shall prejudice or affect the Rights, Privileges, Powers, or Authorities given or reserved to any Person under any Local or Private Act of Parliament for the Drainage, Preservation, Improvement, or Irrigation of Land, or for or in respect of any Mills, Mines, Machinery, Canal, or Navigation as last aforesaid.

Drainage Districts to be formed, subject to the Approval of the Sheriff.

176. The Commissioners may from Time to Time, subject to the Approval of the Sheriff, divide the whole Burgh, if and as Occasion shall require, into separate Drainage Districts, having regard in such Division to the Nature of the Ground, to the Main Lines of Sewers by which such separate Drainage Districts are or shall be drained, and to the equal Benefit, as far as may be, of all the Lands and Buildings to be comprised in any such Drainage District, and shall cause their Surveyor to define and describe the several Drainage Districts on a Plan of the Burgh to be made as after provided for.

Power to Commissioners to construct Sewers where none exist, making Compensation to Owners of Property.

177. The Commissioners shall from Time to Time, subject to the Restrictions herein contained as to the Notice to be given and the Plans and Estimates to be prepared, cause to be made under the Streets such Main and other Sewers as shall be necessary for the effectual draining of the Burgh, and also all such Reservoirs, Sluices, Engines, and other Works as shall be necessary for cleansing such Sewers, and, if needful, they may carry such Sewers through and across all underground Cellars and Vaults under any of the Streets, doing as little Damage as may be, and making full Compensation for any Damage done; and if, for completing any of the aforesaid Works, it be found necessary to carry them into or through any inclosed or other Lands, the Commissioners may carry the same into or through such Lands accordingly, making full Compensation to the Owners and Occupiers thereof, and they may cause the Refuse from such Sewers to be conveyed by a proper Channel to the most convenient Site for its Collection, and Sale for Agricultural or other Purposes, as may be deemed most expedient, but so that the same shall in no Case become a Nuisance: Provided always, that in making any such Main and other Sewers, or in repairing, reconstructing, or enlarging the same or existing Drains or Sewers, the Contents at present carried into

into any existing Outlet shall not be diverted therefrom to the Prejudice of any actual existing legal Right.

Commissioners may alter Sewers from Time to Time.

178. The Commissioners may from Time to Time, as they see fit, repair, enlarge, alter, arch over, and otherwise improve all or any of the Sewers vested in them; and if any of such Sewers at any Time appear to them to have become useless, the Commissioners, if they think fit to do so, may demolish and discontinue such Sewer, provided that it be so done as not to create a Nuisance.

Commissioners not to destroy existing Sewers, &c. without providing others.

Penalty for Neglect.

179. If any Person, by means of any Enlargement, Alteration, or Discontinuance of any Sewer, or other Proceeding of the Commissioners, be deprived of the Use of any Sewer or Drain which such Person was theretofore lawfully entitled to use, the Commissioners shall provide some other Sewer or Drain equally effectual for such Purpose; and if the Commissioners refuse, or do not within *Seven* Days next after Notice in Writing served upon them begin, and thereupon diligently proceed to restore to its former effective State, such Drain or Sewer the Use whereof has been affected by the Acts of the Commissioners, or to provide such other Sewer or Drain as aforesaid, they shall forfeit to the Person aggrieved any Sum not exceeding *Forty Shillings* for every Day after the Expiration of such *Seven* Days during which he is deprived of the Use of the Drain or Sewer to which he was so entitled, and is not provided with such other Drain or Sewer as aforesaid.

Commissioners to cause Estimates to be prepared before Execution of Works.

180. Before entering into any Contract for executing any such Work as aforesaid, the Commissioners shall procure from their Surveyor an Estimate of the probable Expense of constructing the same in a substantial Manner, and of the yearly Expense of maintaining the same in repair, and such Surveyor shall accompany such Estimate with a Report as to the most advantageous Mode of constructing such Work, whether under a Contract for constructing the same merely, or a Contract for constructing the same and maintaining it in repair during a given Term of Years.

Penalty for making unauthorized Drains.

181. Every Person, not being employed or authorized for that Purpose by the Commissioners, who shall make any Drain from any Premises into any of the Sewers vested in the Commissioners, shall be liable to a Penalty not exceeding *Five Pounds;* and the Commissioners may cause such Drain to be re-made as they think fit, and the Expense incurred thereby shall be paid by the Owner of the Premises, and that over and above a reasonable Sum of Money for the Use of the Sewers, which the Commissioners are hereby authorized and required to exact for all Premises which were not assessed for the

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Expense of making the Sewers, and the Drainage from which or Part thereof is carried into such Sewers.

Vaults and Cellars under Streets not to be made without the Consent of the Commissioners.

182. No Building shall be erected over any Sewer belonging to the Commissioners, and no Vault, Arch, or Cellar shall be made under the Carriageway of any Street, without the Consent of the Commissioners first obtained in Writing; and all such Vaults, Arches, and Cellars shall be substantially made, and so as not to interfere or communicate with any Sewers belonging to the Commissioners; and if, after the Adoption of this Act by any Burgh, any Building be erected, or any Vault, Arch, or Cellar be made therein, contrary to the Provisions herein contained, the Commissioners may demolish or fill up the same, and the Expenses incurred thereby shall be paid by the Person erecting such Building, or making such Vault, Arch, or Cellar.

All Sewers, &c. to be covered with Traps.

183. All Sewers and Drains within the Burgh, whether public or private, shall be provided by the Commissioners or other Persons to whom they severally belong with proper Traps or other Coverings or Means of Ventilation, so as to prevent Stench.

Distillers to construct Reservoirs to deposit Refuse.

184. The Owners of Distilleries and other Works shall dig, make, and construct Pools or Reservoirs within their own Ground, or as near their Works as possible, for receiving and depositing the Refuse of such Distilleries and other Works, to prevent offensive or dangerous Consequences to the Health of the Inhabitants by its running into any River, Stream, Ditch, or Sewer.

Sewers may be used by Owners and Occupiers of Land beyond Limits of Burgh.

185. Any Person, being the Owner or Occupier of any Lands beyond the Burgh, and in respect of which he would not be liable to the Payment of the Rates authorized to be levied under this Act, may, with the Consent of the Commissioners first obtained in Writing, upon Payment to them of a reasonable Sum of Money, to be agreed upon between them, at his own Expense, and under the Superintendence of the Surveyor of the Commissioners, cause to branch into and to communicate with any of the Sewers belonging to the Commissioners any Sewer or Drain in respect of the said Property which may be lawfully made therefrom, of such Size and in such Manner and Form of Communication as the Commissioners approve of: Provided always, that nothing in this Act contained shall affect any Right theretofore acquired by such Owner or Occupier to use any of the Sewers or Drains belonging to the Commissioners.

Drains may be made to discharge

186. If the Commissioners shall consider it necessary for Public Health that any Drain should discharge itself below High-water Mark,

Mark, they shall be entitled, with the Consent of the Commissioners of Her Majesty's Woods and Forests, to construct the requisite Works for that Purpose in the Way and under the Regulations provided in regard to Works authorized by this Act.

below High-water Mark.

Power to borrow Money for the Construction of Sewers.

5 **187.** It shall be lawful for the Commissioners to borrow for the Purpose of making, enlarging, reconstructing, and maintaining Sewers, and on the Security of the said Special Sewer Rates and General Sewer Rates, such Sums of Money, and at such Times, as the Commissioners shall deem necessary for that Purpose, and to 10 assign the said Special Sewer Rates and General Sewer Rates in security of the Money to be so borrowed; and the Provisions of this Act with respect to the borrowing of Money and the granting of Bonds therefor, and the Transference and recording of such Bonds, shall be applicable to the borrowing of Money for the Purpose of 15 making, enlarging, reconstructing, and maintaining Sewers; and the Bonds to be granted for the Money so to be borrowed shall, mutatis mutandis, be in the Form, as near as may be, set forth in this Act, for Bonds to be granted for Money borrowed under the general Powers of this Act, and shall constitute a Lien over the Special 20 Sewer Rates and General Sewer Rates thereby assigned, and shall entitle the Creditors therein to recover the Sums thereby due from the Commissioners and their Officers out of the first and readiest of the said Special and General Sewer Rates.

Application of Money borrowed for constructing Sewers.

188. The Money so borrowed shall be applied wholly in defraying 25 the Expense of making, enlarging, reconstructing, and maintaining Sewers, and to no other Purpose whatsoever; and the Special and General Sewer Rates shall not be liable for nor be assigned in security of the Payment of any Sums borrowed by the Commissioners for any other Purpose than the making, Enlargement, Reconstruction, or 30 Maintenance of Sewers.

Borrowed Money not to be included in additional Assessment.

189. The Commissioners shall not include any Money borrowed for the Purposes of making, enlarging, reconstructing, or maintaining Sewers in fixing the Amount of the additional Assessment to be levied by them under Section of this Act.

Persons aggrieved by making, &c. Sewers may appeal to the Sheriff.

35 **190.** Provided always, That as regards the making, altering, and maintaining Sewers, it shall be lawful for any Person whose Property may be taken or affected, or who may think himself thereby aggrieved, to appeal thereon to the Sheriff in manner herein-after mentioned.

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PART IV.

SECTION VIII.—*Drainage of Houses.*

House Drains.

Commissioners empowered to construct Drains from Houses, charging Owners, &c. with the Expense.

191. If any House or Building within the Burgh be at any Time not drained by a sufficient Drain or Pipe communicating with some Sewer or with the Sea, to the Satisfaction of the Commissioners, and if there shall be such Means of Drainage within *One hundred* Yards of any Part of such House or Building, the Commissioners shall construct or lay from such House or Building a covered Branch Drain or Pipe of such Materials, of such Size, at such Level, and with such Fall as they think necessary for the Drainage of such House or Building, its Areas, Waterclosets, and Offices; and the Expense thereof shall be recoverable from the Owner of such House or Building, over and above any Sum that may be charged for the Use of the Sewers as above provided for.

No House to be hereafter built without Drains being constructed.

192. No House or Building within the Burgh shall be built upon a lower Level than will allow of the Drainage of the Wash and Refuse of such House or Building into some Sewer belonging to the Commissioners, either then existing or marked out upon the Map hereinafter directed to be made by them; and if there be such Means of Drainage existing within *One hundred* Yards of such intended House or Building, the Commissioners shall cause a Branch Drain leading thereunto from the intended Site of such House to be made, of such Materials, of such Size, at such Level, and with such Fall as they think fit; or if there be no such Means of Drainage within *One hundred* Yards of any Part of the said intended Site of such House or Building, then such Drain shall be made so as to lead into such covered Cesspool or other Place as the Commissioners direct, not being under any Dwelling House, and constructed to the Satisfaction of the Commissioners, so as effectually to prevent the Escape of the Contents thereof, until such Sewer as aforesaid is made by the Commissioners, when they shall make a Drain to communicate with such new-made Sewer, and shall demolish and fill up any such Cesspool.

Where Houses are built, the Level shall be sufficient to allow a Drain to be constructed.

193. Whenever any House is rebuilt within the Burgh, the Level of the Cellar or other lowest Floor of such House shall be raised sufficiently to allow of the Construction of such Drain as is hereinbefore provided in the Case of Houses to be built after the Adoption of this Act; and whenever any House is taken down to or below the Roof of the Floor commonly called the Ground or Street Floor, for the Purpose of being built up again, such building shall be deemed a rebuilding within the Meaning of this Act.

194. Before

194. Before beginning to build any new House, or to rebuild any existing House within the Burgh, the Person intending to build or rebuild such House shall give to the Commissioners Notice thereof in Writing, and shall accompany such Notice with a Plan showing the Level at which the Foundation of such House is proposed to be laid, by Reference to some Level ascertained under the Direction of the Commissioners.

Notice of Buildings and Rebuildings to be given to the Commissioners.

195. Within *Fourteen* Days after receiving such Notice, the Commissioners may signify their Disapproval of the Level at which it is proposed to lay the Foundation of any such House, and in case of such Disapproval may, within the said *Fourteen* Days, fix the Level at which the same is to be laid, but subject to Appeal to the Sheriff, if such Appeal shall be entered within *Two* Weeks from the Date of the Intimation of such Disapproval; and the Decision of the Sheriff, if such Appeal be taken, or the Deliverance of the Commissioners, if not appealed to the Sheriff, shall be final.

Commissioners may signify Disapproval within Fourteen Days.

196. In default of sending such Notice and Plan, or if such Building be begun or made at any Level different from that fixed by the Commissioners, within the said *Fourteen* Days, or determined on Appeal, as after provided, or in any other respect is contrary to the Provisions of this Act, the Commissioners may, if necessary, cause such Building to be altered or demolished, as the Case requires, and the Expense incurred by the Commissioners in respect thereof shall be repaid to them by the Person failing to comply with the Provision aforesaid.

Commissioners may cause Houses built without Notice, or contrary to Provisions of this Act, to be altered.

197. If the Commissioners fail to signify in Writing their Approval or Disapproval of the Level shown on such Plan as aforesaid within *Fourteen* Days after receiving such Notice and Plan as aforesaid, the Person giving such Notice may, notwithstanding anything herein contained, proceed to build or rebuild the House therein referred to according to the Level shown on such Plan, provided that such building or rebuilding be otherwise in accordance with the Provisions of this Act.

If Commissioners fail to signify their Approval, &c. within Fourteen Days, Parties may proceed without.

198. All Branch Drains, as well within as without the Premises to which they belong, and all Cesspools within the Burgh, shall be under the Survey and Control of the Commissioners, and shall be altered, repaired, and kept in proper Order at the Cost and Charges of the Owners of the Premises to which the same belong, or for the Use of which they are constructed or continued; and if the Owner and Occupier of any Premises to which any such Drain or Cesspool belongs neglect, during *Seven* Days after Notice in Writing for that Purpose,

Drains and Cesspools to be kept in good Order by Owners. If Owners neglect, Commissioners may cause the same to be done, and

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Purpose, to alter, repair, and to put the same into good Order in the Manner required by the Commissioners, the Commissioners may cause such Drain or Cesspool to be altered, repaired, covered, and put in good Order.

charge the Owners with the Expense.

As to the Inspection of Drains and Cesspools.

199. The Surveyor of the Commissioners may inspect any Drain or Cesspool within the Burgh, and for that Purpose, at all reasonable Times in the Daytime, after *Twenty-four* Hours Notice in Writing to the Occupier of the Premises to which such Drain or Cesspool is attached, may enter upon any Premises, with such Assistants or Workmen as are necessary, and cause the Ground to be opened where he thinks fit, doing as little Damage as may be; and if such Drain or Cesspool be found to be in proper Order and Condition, he shall cause the Ground to be closed and made good as soon as may be; and the Expense of opening, closing, and making good such Drain or Cesspool shall in that Case be defrayed by the Commissioners.

Penalty on Persons making or altering Drains, &c. contrary to the Orders of the Commissioners.

200. If such Drain or Cesspool be on Inspection found to have been constructed, after the Adoption of this Act, contrary to the Directions and Regulations of the Commissioners, or contrary to the Provisions of this Act, or if any Person, without the Consent of the Commissioners, construct, rebuild, or unstop any Drain or Cesspool which has been ordered by them to be demolished or stopped up or not to be made, every Person so doing shall be liable to a Penalty not exceeding *Five Pounds;* and the Commissioners may cause such Amendment or Alteration to be made in any such Drain or Cesspool as they think fit.

Parties aggrieved may appeal to the Sheriff.

201. As regards House or Branch Drains, and the building or rebuilding any House, it shall be lawful for any Person whose Property may be thereby taken or affected, and thinking himself thereby aggrieved, to appeal thereon to the Sheriff in manner herein-after provided.

PART IV.

SECTION IX.—*Soil Pipes and Water-closets.*

Water and Water-closets.

202. Within *One Month* next after Notice given by the Commissioners in Writing for that Purpose, the Owner of every House or Part of a House occupied by a separate Family into which Water has not been already introduced shall introduce Water into every such House or Part of a House within the Burgh, by means of a Pipe not less than Half an Inch Bore, fitted with a Crane opening upon the Sink and Soil Pipe after mentioned, and shall fit up, in some Window,

Recess,

Recess, or other well-lighted and ventilated Place, a Sink, to be connected with a Soil Pipe, duly trapped, leading into the nearest Drain, sufficient to carry off the whole foul Water; and after a like Notice every such Owner shall also provide for such House or Part of a House occupied by a separate Family, wherever practicable, a sufficient Water-closet; and the said Sinks, Soil Pipes, and Water-closets shall be properly applied and ventilated, and these, and the Water Pipes, fitted up in a most complete Manner, and so as to prevent any Leakage or Effluvium therefrom, shall be kept in complete Repair, to the Satisfaction of the Commissioners: Provided always, that if, in the Opinion of the Commissioners, it is not advisable to introduce Water-closets into each House or Part of a House, they, after a like Notice, may require the Owners of a Tenement to construct on each Flat, or in some convenient Place or Places adjacent thereto, a sufficient Number of Water-closets for the separate Use of each Sex of the Inmates and Occupiers of the said Tenements: Provided always, that this Enactment shall not be enforced by the Commissioners where, from Water not having been laid under sufficient Pressure, or from Drains being still unmade, such Works shall be impracticable.

Certain Water-closets to be constructed in Factories, &c.

203. If at any Time it shall appear to the Commissioners, upon the Report of the Surveyor, that any House is used or intended to be used as a School or Factory, or Building in which Persons of both Sexes, and above *Twenty* in Number, are employed or intended to be employed at One Time in any Manufacture, Trade, or Business, the Commissioners may, if they shall think fit, by Notice in Writing to the Owner or Occupier of such House, require them or either of them, within a Time to be specified in such Notice, to construct a sufficient Number of Water-closets or Privies for the separate Use of each Sex; and any Person refusing or neglecting to comply with any such Notice shall be liable for each Default to a Penalty not exceeding *Twenty Pounds*, and a further Penalty not exceeding *Forty Shillings* for every Day during which the Default is continued.

Proprietors of Flats of Houses to have a Supply Pipe from Water Pipe.

204. It shall be lawful for the Proprietor of any One or more Floors or Stories of any House or other Building within the Burgh to have a Supply Pipe from any Water Pipe in the Street brought up the common Staircase, or along the Back or Side Wall of the Tenement on the Outside, and either passing underground through the sunken Story or lowest Flat, or, where practicable, through any common Entry; provided always, that Authority shall be first obtained from the Magistrates, which may be granted summarily, on hearing the Parties concerned, without written Pleading, to lay and put up such Pipe; and the Expense of laying and putting up, and of keeping the same in repair, and the Damage thereby occasioned to the

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the public Street and otherwise, shall be defrayed by the Person using the same; and no Person shall have Power to join the Supply Pipe to any Main Pipe without the Sanction of the Magistrates or any One of them so obtained, and of any Water Company who may supply such Water. 5

Soil Pipes may be carried through the different Houses.

205. Where there are Two or more Houses in any Tenement, the Owner and Occupier of each House shall permit the Soil Pipes, if necessary, to be carried through the same; and the Owner and Occupier of the lowest Story shall permit such soil Pipes, if necessary, to be carried through and under the same; and all such Owners and 10 Occupiers shall at all reasonable Times afford Access to all such Houses for the Construction of the Works, and for making all Repairs necessary thereon, without any Claim for Compensation: Provided always, that the Works shall be so executed as to occasion the least Inconvenience to any such Owner and Occupier, and that any Injury 15 done to such Houses in the Execution of the Works shall be forthwith repaired, and that the Authority of the Magistrates shall first be obtained, in the Manner herein-before provided with respect to Supply Pipes from Water Pipes.

Penalty for introducing Ashes into Soil Pipes.

206. The Occupier of any House or other Place into the Cess- 20 pool or Soil Pipe of which any Ashes or other Matter calculated to choke the same shall be introduced or allowed to enter, shall be liable in a Penalty not exceeding *Forty Shillings*, besides, where Damage has been caused by such Offence, being liable to repair such Damage.

Proprietors of Flats of Houses may erect Waste Pipes to communicate with Drains.

207. In all Streets, Lanes, and other Places within the Burgh, 25 where Common Sewers now are or may hereafter be constructed, it shall be lawful for any Proprietor of One or more Floors or Stories of any House or other Building divided into separate Floors or Stories (on obtaining Authority for the Purpose from the Magistrates summarily, after visiting the Premises, or on the Report and Recom- 30 mendation of the Surveyor, or of such other Person skilled in Building as any of the Magistrates may appoint, and on hearing the Parties interested,) to erect a Waste or Foul-water Pipe or Soil Pipe in or upon the common Staircase, or along the Back or Side Wall of the Tenement on the Outside, to communicate with any Drain underground 35 leading into the Common Sewer, where there is such Drain, and with Power to make such Drain if none such already exist: Provided always, that the Sanction of the Commissioners shall be obtained before connecting such Drain with any Common Sewer in the Street; and the Expense and Damage occasioned by erecting and constructing 40 such Pipe, Drain, and Communication, with the Expense of restoring the

the Street, so far as interfered with, and the Expense of keeping such Drain and Communication clean and in good Repair, with such reasonable Allowance for the Use of the Common Sewer in the Street as the Commissioners may fix, shall be defrayed by the Proprietors of the Floors or Flats making use thereof, in proportion to their respective Rents or annual Value, as the same may be ascertained from the Police Assessment Books or otherwise; and in case of Dispute among the Parties or any of them relative to their Proportion of such Expense, the same shall be determined by the Magistrates, or any One of them, in a summary Manner.

PART IV.

SECTION X.—*Supply of Water.*

Water.

Power to Commissioners to construct public Cisterns and Pumps for Supply of Water to Baths and Wash-houses.

208. The Commissioners shall cause all existing public Cisterns, Pumps, Wells, Conduits, and other Waterworks used for the gratuitous Supply of Water to the Inhabitants within the Burgh to be continued, maintained, and supplied with Water, or they shall substitute other such Works equally convenient, and shall cause them to be maintained and supplied with Water; and such public Cisterns and other Works shall be vested in the Commissioners, and be under their Management and Control; and the Commissioners may construct any Number of new Cisterns, Pumps, Conduits, and other Waterworks for the gratuitous Use of any Persons who choose to carry the same away, not for Sale, but for their own private Use, and may supply with Water any public Baths or Wash-houses.

Commissioners may contract for Supply of Water.

209. The Commissioners may contract, for any Period not exceeding *Three* Years at One Time, with the Owners of any Waterworks, or any other Person, for such Supply of Water as the Commissioners shall think necessary for the Purposes of this Act.

For ascertaining Price to be paid for Water, in case of Dispute.

210. If the Commissioners, and the Owners of any Waterworks authorized by Act of Parliament to supply Water within the Burgh, with whom the Commissioners may be desirous of contracting, do not agree as to the Terms and Conditions of the Supply and the Price to be paid for such Supply, then such Terms and Conditions and Price (except where by the Act authorizing such Waterworks some other Mode of determining such Terms and Conditions and Price shall be provided) shall be settled by Arbitration, and for that Purpose the Clauses of "The Lands Clauses Consolidation (Scotland) Act, 1845," with respect to the Settlement of Disputes by Arbitration, shall be incorporated with this Act.

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Fire Cocks may be placed on Pipes of Water Companies.

211. It shall be lawful for the Commissioners, at the Sight of the Engineer of any Water Company established or to be established for supplying Water within the Burgh, to place proper Fire Cocks upon the Pipes belonging to any such Company within the Burgh, at such convenient Distances from each other and at such Places as may be considered proper for the Supply of the Fire Engines when brought into operation, the Positions of such Fire Cocks being first arranged by the Commissioners with the Directors of such Water Company; and in case of Difference of opinion between them the same shall be determined by the Sheriff of the County, whose Judgment thereon shall be final, and not subject to Review.

Commissioners may provide sufficient Supplies of Water, and may erect Waterworks, &c.

212. The Commissioners may provide the Burgh with such a Supply of Water as may be proper and sufficient for the Purposes of this Act, and for private Use to the Extent required by this Act; and for those Purposes or any of them the Commissioners may from Time to Time contract with any Person whomsoever, or purchase, take upon Lease, hire, construct, lay down, and maintain such Waterworks, and do and execute all such Works, Matters, and Things as shall be necessary and proper, including the opening of Streets from Time to Time for the Purpose of laying down, altering, or repairing Water Pipes therein; and any Waterworks Company may contract with the Commissioners to supply Water for the Purposes of this Act in any Manner whatsoever, or may sell and dispose of or lease their Waterworks to the Commissioners; and the Commissioners may provide and keep in any Waterworks constructed or laid down by them under the Powers of this Act a Supply of pure and wholesome Water, and the Water so supplied may be constantly laid on at such Pressure as will carry the same to the Top Storey of the highest Dwelling House within the Burgh: Provided always, that before constructing or laying down any Waterworks under the Powers of this Act within any Limits within, for, or in respect of which any Waterworks Company shall have been established for supplying Water, the Commissioners shall give Notice in Writing to every Waterworks Company within whose Limits the Commissioners may be desirous of laying on or supplying Water, stating the Purposes for and (as far as may be practicable) the Extent to which Water is required by the Commissioners; and it shall not be lawful for the Commissioners to construct or lay down any Waterworks within such Limits, if and so long as any such Company shall be able and willing to lay on Water proper and sufficient for all reasonable Purposes for which it is required by the Commissioners; and in case any Difference shall arise as to whether the Water which any such Company is able and willing to supply or lay on is proper and sufficient for the Purposes for which it is required by the Commissioners, or whether the

In case of Waterworks constructed by Commissioners, the Water may be kept constantly under Pressure.

Commissioners not to construct Waterworks, &c., if any Waterworks Company within the Burgh be able and willing to supply Water upon Terms.

the Purposes for which it is required are reasonable, the same shall be settled by the Sheriff, upon summary Application by either of the Parties.

Service Pipes to be laid by Owners.

213. Where the Commissioners are able and willing to supply the Houses or Tenements within the Burgh with Water for domestic and ordinary Purposes, the Owners of such Houses and Tenements shall be entitled to obtain such Supply by connecting a Service Pipe with the Main Pipes to be laid down by the Commissioners, the Expense of such Service Pipes and of connecting the same with the Main Pipes being defrayed by such Owners; and where the Houses and Tenements generally in any Street or Place within the Burgh shall be supplied with Water by means of such Service Pipes, it shall be competent to the Commissioners to require the Owner of any Tenement in such Street or Place not so supplied to take a Supply of Water by connecting a Service Pipe with the Main Pipe as aforesaid; and in the event of Refusal or Delay on the Part of such Owner to comply with such Requisition, it shall be lawful for the Commissioners to enter such House or Premises, and proceed to lay down such Service Pipe themselves, and to recover the Expense thereof from such Owner.

Water to be used only for domestic and ordinary Purposes, unless by Agreement with the Commissioners.

214. No Person within the Burgh shall be entitled, without special Agreement with the Commissioners, to use the Water supplied through the Pipes of the Commissioners, except for domestic and ordinary Purposes; but where there is a Supply of Water more than is required for such domestic and ordinary Purposes within the Burgh, it shall be lawful for the Commissioners to contract with any Person or Persons within the Burgh to supply any public Baths and Washhouses, Works, Manufactories, or other Premises within the Burgh with Water, at such Rate and upon such Terms and Conditions as may be agreed on, or, in the event of Disagreement, either as to the Ability of the Commissioners to give the Supply, or as to the Rate, Terms, or Conditions on or in respect of which the Supply is to be given, the same shall be fixed by the Sheriff, upon summary Application by either of the Parties, and the Decision of the Sheriff shall be final.

Penalty for injuring Waterworks, diverting Streams, or wasting Water.

215. Whosoever shall wilfully or carelessly break, injure, or open any Lock, Cock, Waste Pipe, or Waterworks belonging to or under the Management or Control of the Commissioners, or shall unlawfully flush, draw off, divert, or take Water from any Waterworks belonging to or under the Management or Control of the Commissioners, or from any Waters or Streams by which such Waterworks are supplied, or shall wilfully or negligently waste or cause to be

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wasted any Water with which he is supplied by the Commissioners, shall for every such Offence forfeit a Sum not exceeding *Five Pounds*, and a further Penalty of *Twenty Shillings* for each Day whilst the Offence is continued after written Notice in that Behalf, which Penalties shall be paid to the Commissioners: Provided always, that nothing herein contained shall prevent the Owner or Occupier of any Premises through or by which any Streams may flow from using the same as they would have been entitled to do if this Act had not been passed.

Penalties on Persons for causing Water in Reservoirs to be fouled;

216. Whosoever shall bathe in any Stream, Reservoir, Conduit, Aqueduct, or other Waterworks belonging to or under the Management or Control of the Commissioners, or shall wash, cleanse, throw, or cause to enter therein any Animal, Rubbish, Filth, Stuff, or Thing of any Kind whatsoever, or shall cause or permit or suffer to run or be brought therein the Water of any Sink, Sewer, Drain, Engine, or Boiler, or other filthy, unwholesome, or improper Water, or shall do anything whatsoever whereby any Water belonging to the Commissioners, or under their Management or Control, shall be fouled, shall for every such Offence forfeit a Sum not exceeding *Five Pounds*, and a further Sum of *Twenty Shillings* for each Day whilst the Offence is continued, after written Notice in that Behalf; which Penalties shall be paid to the Commissioners; and whosoever, being Proprietor of any Gasworks, or being engaged or employed in the Manufacture or Supply of Gas, causes or suffers to be brought or to flow into any Stream, Reservoir, Conduit, Aqueduct, or Waterworks belonging to or under the Management or Control of the Commissioners, or into any Drain or Pipe communicating therewith, any Washing or other Substance produced in the Manufacture or Supply of Gas, or shall wilfully do any Act connected with the Manufacture of Gas whereby the Water in any such Stream, Reservoir, Aqueduct, or Waterworks is fouled, shall forfeit to the Commissioners for every such Offence the Sum of *Two hundred Pounds*, and, after the Expiration of *Twenty-four* Hours Notice in Writing from them in this Behalf, a further Sum of *Twenty Pounds* for every Day during which the Offence is continued, or during the Continuance of the Act whereby the Water is fouled, and every such Penalty shall be recoverable, along with the Expense of recovering the same, by an ordinary Action at their Instance; and if any Water supplied by or belonging to or under the Management or Control of the Commissioners be fouled in any Manner by the Gas of any such Proprietor or Person as last aforesaid, he shall forfeit to the Commissioners for every such Offence a Sum not exceeding *Twenty Pounds*, and a further Sum not exceeding *Ten Pounds* for every Day whilst the Offence is continued after the Expiration of *Twenty-four* Hours Notice in Writing from the

and on Proprietors of Gasworks, &c.

the Commissioners in this Behalf; and for the Purpose of ascertaining whether such Water is fouled by the Gas of any such Proprietor or Person, the Commissioners may lay open and examine any Pipes, Conduits, and Works from which the Gas is supposed to escape; provided that before beginning so to do *Twenty-four* Hours Notice in Writing be given to the Person to whom such Pipes, Conduits, or Works belong, or under whose Management or Control they may be, of the Time at which the Examination is intended to be made; and if upon such Examination it appear that the Water has been fouled by the Gas proceeding from or contained in the Pipes, Conduits, or Works examined, the Expenses of the Examination shall be paid and borne by the Person to whom such Pipes, Conduits, or Works belong, or under whose Management or Control they may be, and be recoverable from him in the same Manner as any Debt may be recovered by the Law of *Scotland*; but if it appear that the Water has not been so fouled, then such Expenses, and all Damages occasioned by the Examination, shall be paid by the Commissioners out of the Police Assessment levied under this Act, and be recoverable from them as any Debt may be recovered by the Law of *Scotland*.

Commissioners may make Byelaws in reference to Water.

217. It shall be lawful for the Commissioners to make Byelaws regulating all or any Matters and Things whatsoever connected with the Water to be supplied within the Burgh through their Pipes.

PART IV.

SECTION XI.—*Surveys and Plans.*

Commissioners to cause a Map of the Burgh to be made, and to be open to Inspection.

218. The Commissioners shall procure or cause to be made a Survey and Map of the Burgh on a Scale of not less than *Sixty* Inches to a Mile, and shall cause to be marked thereon the Course of all the existing Sewers and Drains belonging to them or under their Care or Management, and, as far as can be ascertained, the Lines of Pipes or Conduits for the Collection and Distribution of Water, the Course of the Pipes for the Distribution of Gas, and such other Works, with such other Particulars as may be necessary in order to show the underground Works within the Burgh, and shall cause the said Map to be from Time to Time corrected, and such Additions to be made thereto as may show the Sewers and Drains for the Time being belonging to the Commissioners, and such other Pipes and underground Works as aforesaid; and such Map and Plan, or a Copy thereof, with the Date expressed thereon of the last Time when it was so corrected, shall be kept in the Office of the Commissioners, and shall be open at all seasonable Hours to the Inspection of the Owners or Occupiers of any Lands within the Burgh.

 219. The

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Officers of Ordnance may furnish Commissioners with Maps, or cause Surveys to be made.

219. The Principal Officers of Her Majesty's Ordnance may, if they think fit, on the Application of the Commissioners, and at their Expense, furnish, for the Use of the Commissioners, One or more Copies of any Map of the Burgh or any Part thereof which shall have been made under the Direction of the said Ordnance Officers, or may cause a Survey to be made of the Burgh on a Scale of not less than *Sixty* Inches to the Mile, by Surveying Officers appointed by them, for such Remuneration as shall previously be agreed upon between the said Principal Officers and the Commissioners.

Level Lines to be marked on Map, and Bench Marks to be made for denoting the same.

220. The Commissioners shall cause to be marked on the Map so procured or caused to be made by them a Series of Marks and Figures at convenient Distances on the said Map, denoting the Height of the Ground at every such Mark above or below the Level of a particular Spot within the Burgh, which may be easily found and identified, the Position of which Spot shall be described on the Map, and shall also cause to be drawn, wherever practicable, Lines of equal Altitude at every Four Feet of Elevation, or at such other Intervals as may appear upon due Inquiry to be the best adapted for the Guidance of Works of Sewerage and Drainage, for the Collection and Distribution of Water, and for other Purposes within the Burgh for which a Knowledge of the Levels of the Burgh may be necessary, and shall also cause proper Bench Marks for denoting the Levels to be inscribed and marked at convenient Distances and Places, at the Corner of Streets, on Posts, Houses, or other prominent Objects within the Burgh.

Commissioners may cause Maps to be engraved, &c., and pay Expenses out of Assessments.

221. The Commissioners may cause every such Plan to be copied, engraved, or printed, and coloured, in such Manner as appears to them most convenient, and may defray the Costs of any Surveys and Maps made under their Direction, and any Costs incurred by them in regard to any such Map, out of the Police Assessment.

Commissioners to cause Plans to be prepared of new Works or Alterations of existing Works.

222. The Commissioners shall cause their Surveyor to prepare Plans of any new Works, and Additions to or Alterations of existing Works, that may be required for the effectual Drainage of the Premises and Streets within the Burgh, including Provision for properly trapped Drains or Channels for the Removal of all waste Water and Refuse from such Premises and from the Surface of the Streets, and also to draw on such Plans the Lines that appear to him most advantageous for Main Sewers, and the best Outfalls for clearing the whole Burgh of Surface Moisture, and effecting the Drainage of the Subsoil, and to point out the most appropriate Means and Sites for the Collection and Sale of Filth and Refuse for Agricultural or other Purposes, and also to set forth any other Matters

Matters which may assist the Commissioners in carrying into execution, in an economical and effective Manner, the several Works required to be carried into execution under the Provisions of this Act, or which appear to be necessary for the Health and Convenience of the Inhabitants of the Burgh.

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PART V.

GENERAL POLICE REGULATIONS

SECTION I.—*Precautions during Repairs, and old and ruinous Tenements.*

Bars to be erected across Streets while Repairs or Alterations are making, and Lights placed at Night.

223. The Commissioners shall, during the Construction or Repair of any Streets, and during the Construction or Repair of any Buildings, Sewers, or Drains, take proper Precaution for guarding against Accident, by shoring-up and protecting the adjoining Houses, and may stop any Street, and prevent the same being used as a common Passage or Thoroughfare, while such Works are carried on, as to them shall seem proper; and the Commissioners shall cause any Sewer or Drain or other Works, during the Construction or Repair thereof, to be lighted and guarded during the Night, so as to prevent Accidents; and every Person who uses such Streets while so stopped as a common Passage or Thoroughfare, or extinguishes any Light, without the Authority or Consent of the Commissioners, shall for every such Offence be liable to any Penalty not exceeding *Five Pounds.*

Hoards to be set up during Repairs.

224. Every Person intending to build or take down any Building within the Burgh, or to cause the same to be so done, or to alter or repair the outward Part of any such Building, or to cause the same to be so done, where any Street or Footway shall be obstructed or rendered inconvenient by means of such Work, shall, before beginning the same, cause sufficient Hoards or Fences to be put up, in order to separate the Building where such Works are being carried on from the Street, with a convenient Platform and Handrail, if there be Room enough, to serve as a Footway for Passengers outside of such Hoard or Fence, and shall continue such Hoard or Fence, with such Platform and Handrail as aforesaid, standing and in good Condition to the Satisfaction of the Commissioners during such Time as the Public Safety or Convenience requires, and shall in all Cases in which it is necessary, in order to prevent Accidents, cause the same to be sufficiently lighted during the Night; and every such Person who fails

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fails to put up such Fence or Hoard, or Platform with such Handrail as aforesaid, or to continue the same respectively standing and in good Condition as aforesaid during the Time aforesaid, or who does not, while the said Hoard or Fence is standing, keep the same sufficiently lighted during the Night, or who does not remove the same, when directed by the Commissioners, within a reasonable Time afterwards, shall for every such Offence be liable to a Penalty not exceeding *Five Pounds*, and a further Penalty not exceeding *Forty Shillings* for every Day while such Default is continued.

Penalty for not lighting Deposits of Building Materials or Excavations.

225. When any Building Materials, Rubbish, or other Things are laid, or any Hole made, in any of the Streets, whether the same be done by Order of the Commissioners or not, the Person causing such Materials or other Things to be so laid, or such Hole to be made, shall at his own Expense cause a sufficient Light to be fixed in a proper Place upon or near the same, and continue such Light every Night from Sunsetting to Sunrising while such Materials or Hole remain; and such Person shall, at his own Expense, cause such Materials or other Things and such Hole to be sufficiently fenced and enclosed until such Materials or other Things are removed, or the Hole filled up or otherwise made secure; and every such Person who fails so to light, fence, or enclose such Materials or other Things, or such Hole, shall for every such Offence be liable to a Penalty not exceeding *Five Pounds*, and a further Penalty not exceeding *Forty Shillings* for every Day while such Default is continued.

Penalty for continuing Deposits of Building Materials or Excavations an unreasonable Time.

226. In no Case shall any such Building Materials or other Things, or such Hole, be allowed to remain for an unnecessary Time, under a Penalty not exceeding *Five Pounds*, to be paid for every such Offence by the Person who causes such Materials or other Things to be laid, or such Hole to be made, and a further Penalty not exceeding *Forty Shillings* for every Day during which such Offence is continued after the Conviction for such Offence; and in any such Case the Proof that the Time has not exceeded the necessary Time shall be upon the Person so causing such Materials or other Things to be laid, or causing such Hole to be made.

Dangerous Places to be repaired or enclosed.

227. If any Building or Hole or any other Place near any Street be, for Want of sufficient Repair, Protection, or Enclosure, dangerous to the Passengers along such Street, the Commissioners shall cause the same to be repaired, protected, or enclosed so as to prevent Danger therefrom.

Ruinous or dangerous Buildings to

228. If any Building or Wall, or anything affixed thereon, within the Burgh, be deemed by the Surveyor of the Commissioners to be in a ruinous

a ruinous State, and dangerous to Passengers or to the Occupiers of the neighbouring Buildings, such Surveyor shall immediately cause a proper Hoard or Fence to be put up for the Protection of Passengers, and shall cause Notice in Writing to be given to the Owner of such Building or Wall, if he be known and resident within the Burgh, and shall also cause such Notice to be put on the Door of such Building or on such Wall, or on a conspicuous Part thereof, or otherwise to be given to the Occupier thereof, if any, requiring such Owner forthwith to take down, secure, or repair such Building, Wall, or other Thing, as the Case shall require; and if such Owner do not begin to repair, take down, or secure such Building, Wall, or other Thing within the Space of *Three* Days after any such Notice has been so given or put up as aforesaid, and complete such Repairs or taking down or securing as speedily as the Nature of the Case will admit, such Surveyor may make Complaint thereof to the Sheriff, and it shall be lawful for the Sheriff to order the Owner of such Building, Wall, or other Thing to take down, rebuild, repair, or otherwise secure, to the Satisfaction of such Surveyor, the same, or such Part thereof as appears to them to be in a dangerous State, within a Time to be fixed by the Sheriff; and in case the same be not taken down, repaired, rebuilt, or otherwise secured within the Time so limited, the Commissioners shall with all convenient Speed cause all or so much of such Building, Wall, or other Thing as shall be in a ruinous Condition and dangerous as aforesaid to be taken down, repaired, rebuilt, or otherwise secured in such Manner as shall be requisite; and all the Expenses of putting up every such Fence, and of taking down, repairing, rebuilding, or securing such Building, Wall, or other Thing, shall be paid by the Owner thereof.

be taken down or secured by Owners, &c.

If Owner, &c. neglect to repair, Commissioners may cause the same to be done, charging Owner, &c. with the Expenses.

229. If the Owner of such Building or Wall, or Thing affixed thereon, can be found within the Burgh, and if, on Demand of the Expenses aforesaid, he neglect or refuse to pay the same, the Sheriff shall, on a Certificate of such Demand and Neglect or Refusal, signed by Two of the Commissioners, grant Decree against such Owner for Payment thereof, on which Decree all legal Diligence may proceed, or the Commissioners may proceed against such Owner in the Sheriff Small Debt Court, or otherwise as accords of Law.

The Expenses to be levied on the Owner.

230. If such Owner cannot be found within the Burgh, or if such Expenses are not otherwise fully recovered, the Commissioners, after giving *Twenty-eight* Days Notice of their Intention to do so, by posting a printed or written Notice in a conspicuous Place on such Building or Wall, or on the Land whereon such Building or Wall stood, may take such Building or Land, provided that such Expenses be not paid or tendered to them within the said *Twenty-eight* Days, making

If Owner cannot be found, Commissioners may take the House or Ground, making Compensation.

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making Compensation to the Owner of such Building or Land in the Manner provided by "The Lands Clauses Consolidation (Scotland) Act, 1845," in the Case of Lands taken otherwise than with the Consent of the Owners and Occupiers thereof, and the Commissioners shall be entitled to deduct out of such Compensation the Amount of the Expenses aforesaid, and may thereupon sell or otherwise dispose of the said Building or Land for the Purposes of this Act.

Commissioners may sell the Materials, restoring to the Owner Overplus arising from the Sale.

231. If any such House or Building as aforesaid, or any Part of the same, be pulled down by virtue of the Powers aforesaid, the Commissioners may sell the Materials thereof, or so much of the same as shall be pulled down, and apply the Proceeds of such Sale in Payment of the Expenses incurred in respect of such House or Building; and the Commissioners shall restore any Surplus arising from such Sale to the Owner of such House or Building, on Demand; nevertheless the Commissioners, although they sell such Materials for the Purposes aforesaid, shall have the same Remedies for compelling the Payment of so much of the said Expenses as may remain due after the Application of the Proceeds of such Sale as are hereinbefore given to them for compelling the Payment of the whole of the said Expenses.

Ruinous Buildings may be sold.

232. If any Houses, Buildings, and other Tenements have become waste and ruinous within the Burgh, and have become Receptacles for Filth and other Nuisances, or unsafe and unfit for Use and Occupation, and which, being held by Two or more joint Owners, cannot be rebuilt or disposed of to Advantage without the Consent of all the Parties interested therein, and the same are allowed to continue in a waste and ruinous or unsafe State in consequence of the Parties being unable or unwilling or delaying to agree as to the Sale or rebuilding thereof, it shall be lawful to the Sheriff, upon the Application by Petition of the Procurator Fiscal of Court, or of the Commissioners, or their Superintendent of Streets and Buildings, or of any Owner or Party interested in any such Houses, Buildings, or other Tenements, to call all Parties interested therein before the Sheriff, in the usual Manner and Form followed in his Court, and to order such Tenements to be valued by not less than *Three* Men of Skill, upon Oath, who shall distinguish the Portions of Tenement, and the corresponding Proportion of the apprized Value, which belong to the several Parties interested, and thereupon to give each Party the Option to buy and acquire from, or to sell and convey to the others, their respective Portions of or Interests in such Tenements, agreeably to such Valuation, or at such other Price as shall be agreed on amongst themselves, and that within a reasonable Time to be fixed by the Sheriff, not exceeding *Six* Weeks.

233. If

233. If any of the said Parties fail to take advantage of the said Option within the Time so fixed, or shall not be able to agree as to which shall be the Buyer and which the Seller, it shall be lawful to the said Sheriff to cause such Tenements to be exposed to Sale by public Auction at a Price not being less than the apprized Value, and in case of no Offerers to reduce the upset Price from Time to Time, and to sell the same to the highest Bidder, under such Regulations, and upon such Conditions, and after such public Notice by Advertisement in the Newspapers, or otherwise, as the Sheriff shall appoint, and the Purchaser thereof shall be taken bound within *Ten* Days after the Sale, or within such Time as may be fixed by the Sheriff, to consign or deposit the whole Amount of the Purchase Money in any One of the Banks established by Act of Parliament or Royal Charter, upon a Receipt or Voucher, subject to the Orders of the Sheriff, otherwise the Sale to be void and null, and the Money so deposited shall remain at Interest for the Behoof of all Parties interested therein, under the sole Control and subject to the future Orders of the Sheriff.

How Sale to be carried through.

234. Upon such Deposit being so made, the Sheriff shall pronounce his Decree or Warrant declaring the Purchase duly completed, and authorizing immediate Possession of the Tenements so sold to be given to the Purchaser thereof; and such Warrant or Decree shall, upon being registered in the Register of Sasines in which the prior Titles of such Subjects may have been registered, be a valid and sufficient Title to such Purchaser, who shall thereafter be at full Liberty to exercise every lawful Right of Property therein, without being subject to Challenge by any Party whomsoever.

Completion of Purchaser's Title.

235. In case the Purchaser at any such Sale as aforesaid shall fail to fulfil the Conditions thereof within the Time thereby prescribed, it shall be lawful to the Sheriff to cause the Tenements to be re-exposed and sold anew; and such Sale shall be proceeded in in every respect in like Manner as is herein-before provided in regard to the first Sale; and the Sheriff shall continue, in case of Failure as aforesaid, to cause the said Tenements to be re-exposed for Sale, until the same shall be sold, and the Price thereof consigned or deposited in Bank as aforesaid.

If Purchaser do not fulfil Conditions of Sale, may be resold.

236. Upon the Completion of any such Sale, the Sheriff, on the Application of any of the Parties concerned, shall, upon such legal Evidence, by Writing, Witnesses, Oath of Party, or Report of skilled Persons, upon Oath or otherwise, as he may deem expedient, proceed to ascertain and determine the Extent and Value of the Share of each Party claiming Interest in the Tenements so sold, and to apportion and divide the Price obtained for the same, and deposited as aforesaid, and order Payment thereof to the several Parties accordingly, subject always

Application of Price.

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always to such Finding or Order in respect of Costs as the Sheriff may pronounce.

Waste Ground on Sea Shore within Burgh.

237. The Commissioners shall be entitled and they are hereby required to give Notice to all Proprietors of Ground along the Sea Shore within Burgh who have neglected to protect the same from the Inroads of the Sea, and have thereby allowed such Ground to become waste, and ruinous or dangerous to Property and Passengers or other Persons in the Neighbourhood, and such Notice shall also be given to the Occupiers of such Ground, if any, calling upon such Owners forthwith to protect, secure, restore, or repair the same, in such Manner as, in the Judgment of the Commissioners, the Case shall require; and if such Owners refuse or delay to protect, secure, restore, or repair such Ground, the Commissioners may make Complaint thereof to the Sheriff, and it shall be lawful for the Sheriff to issue such interim Orders for the Safety of the Public as to him shall appear just, and all Expenses and Charges thereanent shall be recoverable from the Owners.

Waste Ground in certain Cases may be sold.

238. If the said Grounds shall have continued in a waste and ruinous or dangerous State for the Space of *One Year* and upwards, it shall be lawful to the Sheriff to order the same to be valued, and exposed for Sale by public Auction, and to sell the same to the highest Bidder, under such Regulations and upon such Conditions, and after such public Advertisements, as the Sheriff shall appoint: Provided always, that the Purchaser shall be taken bound to protect, secure, restore, or repair such Ground as the Owners should have done, as herein above provided for.

Completion of Purchaser's Title.

239. The Purchaser shall, on Payment or Consignation of the Price, be entitled to Decree, declaring the Purchase duly completed, and to obtain Possession, and to complete his Title, as in the Case of waste and ruinous Tenements; and the said Ground may be re-exposed, in the event of the Failure of the Purchaser to perform the Conditions of Sale, and the Price shall be apportioned and divided, subject to Costs, as the Sheriff may direct; and the said Ground shall, in all respects not specially provided for by this Act, be dealt with as already above provided in regard to waste and ruinous Tenements.

PART V.

SECTION II.—*Nuisances and Obstructions in the Streets.*

Power to prevent Obstructions in the Streets during public Processions, &c.

240. The Commissioners may from Time to Time make Orders for the Route to be observed by all Carts, Carriages, Horses, and Persons, and for preventing Obstruction of the Streets of the Burgh, in all Times of public Processions, Rejoicings, or Illuminations, and in any Case when the Streets are thronged or liable to be obstructed, and

and may also give Directions to the Constables for keeping Order and preventing any Obstruction of the Streets in the Neighbourhood of Theatres and other Places of public Resort; and every wilful Breach of any such Order shall be deemed an Offence against this Act, and every Person committing any such Offence shall be liable to a Penalty not exceeding *Forty Shillings*.

Power to impound stray Cattle.

241. If any Cattle be at any Time found at large in any Street of the Burgh, without any Person having the Charge thereof, any Constable or Officer of Police, or any Person residing within the Burgh, may seize and impound such Cattle, and may detain the same until the Owner thereof pay to the Commissioners a Penalty not exceeding *Forty Shillings*, besides the reasonable Expenses of impounding and keeping such Cattle.

Power to sell stray Cattle for Penalty and Expenses.

242. If the said Penalty and Expenses be not paid within *Three* Days after such impounding, the Person by whom such Cattle were seized and impounded as aforesaid, or other Person appointed by the Commissioners for that Purpose, may proceed to sell such Cattle or cause the same to be sold; but previous to such Sale *Seven* Days Notice thereof shall be given to or left at the Dwelling House or Place of Abode of the Owner of such Cattle, if he be known, or if not, then Notice of such intended Sale shall be given by Advertisement, to be inserted *Seven* Days before such Sale in some Newspaper published or circulated within the Burgh in which the Seizure was made; and the Money arising from such Sale, after deducting the said Sums, and the Expenses aforesaid, and all other Expenses attending the impounding, advertising, keeping, and Sale of any such Cattle so impounded, shall be paid to the Commissioners, and shall be by them paid, on Demand, to the Owner of the Cattle so sold.

Penalty on Persons committing any of the Offences herein named.

243. Every Person who, to the Obstruction, Annoyance, or Danger of the Residents or Passengers, commits any of the following Offences, shall, on Conviction on the Evidence of One or more credible Witnesses, be liable to a Penalty not exceeding *Forty Shillings* for each Offence, or, in the Discretion of the Sheriff or Magistrate before whom he is convicted, may, without a Penalty being inflicted, be committed to Prison, there to remain for a Period not exceeding *Fourteen* Days; and any Constable or other Officer appointed by virtue of this Act shall take into Custody, without Warrant, and forthwith convey before a Magistrate, any Person who within his View commits any such Offence; (that is to say,)

Every Person who exposes for Show, Hire, or Sale (except in a Market or Market Place or Fair lawfully appointed for that Purpose) any Horse or other Animal; or exhibits in a Caravan or

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or otherwise any Show or public Entertainment; or shoes, bleeds, or farries any Horse or Animal (except in Cases of Accident); or cleans, dresses, exercises, trains, or breaks or turns loose any Horse or Animal; or makes or repairs any Part of any Cart or Carriage (except in Cases of Accident where Repair on the Spot is necessary): 5

Every Person who suffers to be at large any unmuzzled ferocious Dog, or sets on or urges any Dog or other Animal to attack, worry, or put in fear any Person or Animal:

Every Owner of any Dog who suffers such Dog to go at large, knowing or having reasonable Grounds for believing it to be in a rabid State, or to have been bitten by any Dog or other Animal in a rabid State: 10

Every Person who, after public Notice given by any Sheriff or Magistrate directing Dogs to be confined on account of Suspicion of Canine Madness, suffers any Dog to be at large during the Time specified in such Notice: 15

Every Person who slaughters or dresses any Cattle, or any Part thereof, except in the Case of any Cattle over-driven which may have met with any Accident, and which for the Public Safety or other reasonable Cause ought to be killed on the Spot: 20

Every Person having the Care of any Waggon, Cart, or Carriage who rides on the Shafts thereof; or who, without having Reins with a Bit attached thereto, and in the Mouth of the Animal drawing the same, and holding such Reins, rides upon such Waggon, Cart, or Carriage, or any Animal drawing the same; or who is at such a Distance from such Waggon, Cart, or Carriage as not to have due Control over every Animal drawing the same; or who does not, in meeting any other Carriage, keep his Waggon, Cart, or Carriage to the Left or Near Side, or who in passing any other Carriage does not keep his Waggon, Cart, or Carriage on the Right or Off Side of the Road (except in Cases of actual Necessity, or some sufficient Reason for Deviation); or who, by obstructing the Street, wilfully prevents any Person or Carriage from passing him, or any Waggon, Cart, or Carriage under his Care: 25 30 35

Every Person who at One Time drives more than Two Carts or Waggons; and every Person driving Two Carts or Waggons who has not the Halter of the Horse in the last Cart or Waggon securely fastened to the Back of the First Cart or Waggon, or has such Halter of a greater Length from such fastening to the Horse's Head than Four Feet: 40

Every Person who rides or drives furiously any Horse or Carriage, or drives furiously any Cattle:

Every

Every Person who causes any public Carriage, Sledge, Truck, or Barrow, with or without Horses or any Beast of Draught or Burden, to stand longer than is necessary for loading or unloading Goods, or for taking up or setting down Passengers (except Hackney Carriages, and Horses and other Beasts of Draught or Burden, standing for Hire in any Place appointed for that Purpose by the Commissioners or other lawful Authority); and every Person who, by means of any Cart, Carriage, Sledge, Truck, or Barrow, or any Animal or other Means, wilfully interrupts any public Crossing, or wilfully causes any Obstruction in any public Footpath or other public Thoroughfare:

Every Person who causes any Tree or Timber, Iron Beam, Stone, or other Thing to be drawn or hauled otherwise than upon a wheeled Carriage, or who causes any Tree or Timber, Iron Beam, Stone, or other Thing to be drawn in or upon any Carriage without having sufficient Means of safely guiding the same:

Every Person who leads or rides any Horse or other Animal, or draws or drives any Cart or Carriage, Sledge, Truck, or Barrow, upon any Footway of any Street, or fastens any Horse or other Animal so that it stands across or upon any Footway:

Every Person who places or leaves any Furniture, Goods, Wares, or Merchandise, or any Cask, Tub, Basket, Pail, or Bucket, or places or uses any Standing Place, Stool, Bench, Stall, or Showboard on any Footway, or who places any Blind, Shade, Covering, Awning, or other Projection over along any such Footway, unless such Blind, Shade, Covering, Awning, or other Projection is *Eight* Feet in Height at least in every Part thereof from the Ground:

Every Person who places, hangs up, or exposes to Sale any Goods, Wares, Merchandize, Matter, or Thing whatsoever, so that the same project into or over any Footway, or beyond the Line of any House, Shop, or Building at which the same are so exposed, so as to obstruct or incommode the Passage of any Person over or along such Footway:

Every Person who shall hang or place any Linen or Clothes or other such Article on any Rail or Fence of any Premises:

Every Person who conveys in any open Cart or Waggon through the Streets the Carcasses, or any Parts thereof, of Animals slaughtered for Sale, without the same being properly covered up from public View; or exposes such slaughtered Carcasses, or any Parts thereof, or their Skins or Offals, outside of the Doors or Windows of any Shop in any Street; or shall use Machines to mince or hash such Animal Food, to the Annoyance of the Residents:

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Every Person who rolls or carries any Cask, Tub, Hoop, or Wheel, or any Ladder, Plank, Pole, Timber, Log of Wood, Basket, Board, or Tray, upon any Footway, except for the Purpose of loading or unloading any Cart or Carriage, or of crossing the Footway: 5

Every Person who places any Line, Cord, or Pole across, upon, or over any Street, or hangs or places any Clothes thereon:

Every common Prostitute or Nightwalker loitering or importuning Passengers for the Purpose of Prostitution:

Every Person who wilfully and indecently exposes his Person: 10

Every Person who publicly offers for Sale or Distribution, or exhibits to public View, any profane, indecent, or obscene Book, Paper, Print, Drawing, Painting, or Representation, or sings any profane or obscene Song or Ballad:

Every Person who discharges any Firearm, or throws or discharges 15 any Stone or other Missile, or makes any Bonfire, or throws or sets fire to any Firework:

Every Person who wilfully and wantonly disturbs any Inhabitant, by pulling or ringing any Door Bell, or knocking at any Door; or who wilfully and unlawfully extinguishes the Light of any 20 Lamp:

Every Person who flies any Kite, or who makes or uses any Slide upon Ice or Snow:

Every Person who cleanses, hoops, fires, washes, or scalds any Cask or Tub, or hews, saws, bores, or cuts any Timber or Stone, or 25 slacks, sifts, or screens any Lime:

Every Person who throws or lays down any Stones, Coals, Slate, Shells, Lime, Bricks, Timber, Iron, or other Materials (except Building Materials so enclosed as to prevent Mischief to Passengers): 30

Every Person who beats or shakes any Carpet, Rug, or Mat (except Rugs or Mats beaten or shaken before the Hour of *Eight* in the Morning):

Every Person who fixes or places any Flower Pot or Box or other heavy Article in any upper Window, without sufficiently guard- 35 ing the same against being blown down:

Every Person who throws from the Roof or any Part of any House or other Building any Slate, Brick, Wood, Rubbish, or other Thing, except Snow thrown so as not to fall on any Passenger:

Every Occupier of any House or other Building, or other Person, 40 who orders or permits any Person in his Service to stand on the Sill of any Window, in order to clean, paint, or perform any other Operation upon the Outside of such Window, or upon any House or other Building, unless such Window be in the sunk or Basement Storey: 45

Every

Every Person who leaves open any Vault or Cellar, or the Entrance from any Street to any Cellar or Room underground, without a sufficient Fence or Handrail, or leaves defective the Door, Window, or other Covering of any Vault or Cellar, or who does not sufficiently fence any Area, Pit, or Sewer left open, or who leaves such open Area, Pit, or Sewer without a sufficient Light after Sunset to warn and prevent Persons from falling thereinto:

Every Person who throws or lays any Dirt, Litter, or Ashes or Nightsoil, or any Carrion, Fish, Offal, or Rubbish, on any Street, back Area, Court, or Place, or Sea Beach or Strand within the Boundaries of a Burgh, or causes or allows any Matter to fall or run on any Street: Provided always, that it shall not be deemed an Offence to lay Sand or other Materials in any Street in Time of Frost, to prevent Accidents, or Litter or other suitable Materials to prevent the freezing of Water in Pipes, or in case of Sickness to prevent Noise, if the Party laying any such Things causes them to be removed as soon as the Occasion for them ceases:

Every Person who keeps any Pigstye to the Front of any Street, or who keeps any Swine in or near any Street:

Provided always, that if any Rubbish, Lead, Iron, Wood, Goods, Commodities, or other Article, Matter, or Thing whatever, shall be placed or allowed to remain in any Street, to the Obstruction, Annoyance, or Danger of the Residents or Passengers, it shall be lawful for and in the Power of the Superintendent or other Constable of Police to remove or cause the same to be immediately removed and carried to any Place of Safety, there to remain, at the Risk of the Owner and Person offending, and to detain the same until the Expense of Removal and Detention are paid; and if such Expense shall not be paid within *Seven* Days, to sell or dispose of the same, and apply the Proceeds as the Magistrates or any of them shall direct.

Owners of Carts, &c. to have Names painted thereon.

244. The Owner of every Waggon, Cart, or Carriage shall have his Christian Name, Surname, and Place of Abode painted in a straight Line horizontally upon some conspicuous Part on the Off or Right Side of such Waggon, Cart, or Carriage, in large legible Roman Letters, either of a dark Colour upon a light Ground, or of a light Colour upon a dark Ground, not less than One Inch in Height, with Numbers, beginning with Number One where more of such Carriages respectively than One shall belong to the same Owner, and proceeding in regular Progression, failing which such Owner shall be liable to a Penalty not exceeding *Forty Shillings* for every Time such Waggon, Cart, or Carriage shall be found in any Street.

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Persons under 14 Years of Age not to drive Carts, &c.

245. The Owner of any Waggon, Cart, or Carriage who shall cause or permit such Waggon, Cart, or Carriage to be driven in any Street by any Person who is not of the full Age of *Fourteen* Years, and every Person who in any Street shall put a Waggon, Cart, or Carriage, and the Animal drawing the same, temporarily under the Charge or Care of a Person who is not of the full Age of *Fourteen* Years, shall be liable to a Penalty not exceeding *Forty Shillings.*

Penalty on drunken Persons, &c. guilty of riotous or indecent Behaviour.

246. Every Person drunk in any Street, and guilty of any riotous or indecent Behaviour therein, and also every Person guilty of any violent or indecent Behaviour in any Police Office or any Police Station House within the Burgh, shall be liable to a Penalty not exceeding *Forty Shillings* for every such Offence, or, in the Discretion of the Magistrate before whom he is convicted, may, without a Penalty being inflicted, be imprisoned for a Period not exceeding *Seven* Days.

Regulations as to Eating-houses.

247. Every Keeper of a Shop in which dressed Provisions are sold who shall open or have open his Shop at an earlier Hour than *Five* o'Clock in the Morning, or a later Hour than *Twelve* o'Clock at Night, shall, upon Conviction before a Magistrate, for every such Offence be liable to a Penalty not exceeding *Forty Shillings.*

Removal of Furniture.

248. It shall be lawful for any Officer appointed by virtue of this Act to stop and detain, until due Inquiry can be made, any Cart or Carriage, and any Person in charge thereof or connected therewith, found within the Burgh employed in removing Furniture between the Hours of *Eight* in the Evening and *Six* in the Morning, except at the usual Terms of removing observed within the Burgh.

Dogs in private Premises.

249. If any Person shall have or keep or suffer to be kept within any Premises any Dog or other Animal which shall be a Nuisance or an Annoyance to any of the Inhabitants in the Neighbourhood, and shall not prevent the Continuance of such Nuisance or Annoyance, by removing such Dog or other Animal, or otherwise, within such Time as the Magistrate shall determine, which he is hereby authorized to do in a summary Manner, such Person shall, upon Conviction before the Magistrate, for every such Offence be liable to a Penalty not exceeding *Forty Shillings;* and it shall be lawful to Constables, Officers of Police, or other Officers of the Law and their Assistants to seize and take possession of and remove any Dog or other Animal being a Nuisance or Annoyance as aforesaid, and not removed when so ordered.

250. It

250. It shall be lawful for any Householder, personally or by his Servant, or by any Officer of Police, to require any Street Musician or Singer to depart from the Neighbourhood of the House of such Householder, on account of the Illness of any Inmate of any such House, or for other reasonable Cause; and every Person who shall continue to sound or play any Musical Instrument or sing after being so required to depart shall be liable to a Penalty not exceeding *Twenty Shillings.*

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Street Musicians.

251. It shall be lawful for the Magistrates to restrain, regulate, or prohibit all public Shows, Exhibitions, or Representations, and also to restrain and regulate the Use of Apartments in common Tenements or in any Booth for dancing on any Occasion, at any Time which shall appear necessary for preserving Order and Decorum, and to make and establish Regulations and Prohibitions to that Effect; and if any Person shall open any public Show, Exhibition, or Representation without the Sanction or Permission of the Magistrates, or shall contravene any such Regulation or Prohibition, such Person shall for every such Offence forfeit a Penalty not exceeding *Five Pounds.*

Power to regulate Shows, &c.

PART V.

SECTION III.—*Prevention of Fraud.*

252. It shall be lawful for the Commissioners to erect, so far as not already done, and maintain, Steelyards, Scales, or other Weighing Machines, upon or adjacent to the different Streets, or at any other convenient Places within the Burgh, for the Purposes herein-after mentioned, or to grant Powers to others to that Effect, and to appoint proper Persons to attend the same, with suitable Allowances for their Trouble.

Weighing Machines to be erected.

253. It shall be competent to the Purchaser of any Coals, or to the Driver of any Cart loaded with Coals, to require that any such Cart loaded with Coals shall be weighed at the said Steelyard, Scales, or other Weighing Machines, and the Weight of the Coals and of the Cart, and also the Time of such weighing, marked on a Ticket, shall be delivered to the Driver thereof; and the Person having the Charge of such Steelyards, Scales, or other Weighing Machines shall exact and receive from the Driver for each Cart a Sum not exceeding *One Penny Halfpenny* for weighing the Coals and delivering the Ticket as aforesaid, and the Money so to be paid shall be repaid to such Driver by the Purchaser of the Coals or Person to whom the same are delivered, on the Ticket thereof being produced.

Power to Purchaser of Coals to require them to be weighed.

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Power to provide portable Machines for weighing Coals.

254. It shall be lawful for the Commissioners to provide, furnish, and maintain such Number of portable or moveable Machines for weighing Coals as they may deem necessary, to be kept at convenient Places within the Burgh, in order that the Inhabitants may have Access to them for the Purpose of reweighing their Coals at their own Expense, if they shall be so inclined, and to employ proper Persons to attend such Machines, and to establish the Rates to be payable for such reweighing; and it shall be lawful for the Superintendent of Police, or any other Officer acting under this Act, to cause Coals offered for Sale or for Delivery to be reweighed, and to require the Driver to produce the Ticket thereof, as a Check on the Conduct of Drivers and others, such reweighing being always done free of Expense.

Retailers of Coals to keep Scales and Weights for weighing at the Time of Delivery.

255. For the Purpose of ascertaining the Weight of Coals sold in Quantities of not less than Half a Ton within any Yard, Depôt, Cellar, Fold, or Place where they may be kept, or from any Cart on which they may be carried by Dealers for Sale, such Dealers shall be obliged to have and keep Scales and Weights of the legal Standard within such Yard, Depôt, Cellar, Fold, or other Place, and also to have such Scales and Weights attached to the Cart used by them for the Sale of such Coals, whereby the Coals so sold by Retail may be weighed at the Time of the Sale or Delivery, and such Dealers shall be obliged to weigh the same, upon being required to do so either by the Person purchasing the same or by any Constable or Officer of Police; and any such Dealer in Coals failing to have and keep such Scales and Weights, or refusing to weigh the Coals as aforesaid, shall be liable to a Penalty not exceeding *Forty Shillings*, and *Five Pounds* for any subsequent Offence.

Regulations as to Sale of Coals of Half a Ton Weight.

256. Any Dealer in or Person selling Coals, who shall sell any Quantity of the same equal to or exceeding Half a Ton Weight, shall be bound to deliver to the Carter, or Person in charge of the said Coals, to be given to the Purchaser, an Account or Memorandum specifying the true Tare of the Cart conveying the said Coals, and the true Weight and Price of the Coals, and the exact Time the Cart shall leave the Premises of the said Dealer or other Person selling, under a Penalty of *Twenty Shillings* for each Offence in any One of such Particulars.

Penalty.

Carter to deliver Memorandum.

257. The Carter or Person in charge of the said Coals shall be bound to exhibit such Account or Memorandum to any Police Constable who may demand the same, and immediately on his Arrival at the Place of Delivery shall deliver the same to the Purchaser or Inmate or other Person in charge of the House or Place

Place of Delivery, under a Penalty of *Twenty Shillings* for each Offence in either of the said Particulars.

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Penalty for selling Coals by Retail of short Weight.

258. Any Person who shall sell Coals by Retail, or in any Quantity less than Half a Ton in Weight, and shall expose or offer for Sale or sell any such Quantity of Coals represented to be a certain Weight but which shall be deficient or under the Weight so represented, shall be liable in a Penalty not exceeding *Five Pounds;* and all such Persons, whether selling at a Fold or other fixed Place, or from Carts in the Streets, shall be bound to keep Scales and Weights, and to weigh such Coals, when required either by a Purchaser or by any Police Constable, under a Penalty not exceeding *Forty Shillings* for each Neglect or Refusal.

Penalty on Driver refusing to weigh.

259. If any Driver or other Person having the Charge of any Cart shall not, upon being so required as aforesaid, take the same to any such Public Weighing Machine, or shall refuse to assist in the weighing of the same in such Manner as the Drivers of Carts are used and accustomed to do, such Driver or other Person shall for each Offence be liable to a Penalty not exceeding *Forty Shillings.*

Penalty on fraudulent weighing.

260. If the Keeper of any Weighing Machine used within the Burgh for the Purpose of ascertaining the Weight of Coals, or the Seller of any Coals which shall be weighed at such Weighing Machine, or any of their respective Servants, shall wilfully, on Application, refuse duly to weigh or reweigh any Cart, with or without Loading, or shall designedly do or omit to do anything with Intent that the true Weight or Measurement of any Coals weighed thereat shall not be ascertained, or if the Owner or Driver or other Person having the Charge of any Cart shall place or knowingly have any Article, Matter, or Thing in or about such Cart, other than the proper Load therein, or shall alter the Tare or Weight, or the Ticket denoting the Weight of any Cart or the Loading thereof, or shall make, use, or be Privy to the making or using, any false or fraudulent Ticket respecting the Weight of any such Cart or Loading, or if by reweighing or otherwise it shall be discovered that any Coals have been abstracted by such Owner, Driver, Person in charge, Keeper, or Servant, from such Cart, after it shall have passed the Steelyard or Weighing Machine where it was originally weighed, or if the Owner or Driver or Person in charge of any Cart, or the Keeper of any Machine as aforesaid, or his Servants, shall make or give or use, or be privy to the making or giving or using, any false or fraudulent Contrivance touching the Weight of any Cart or the Load therein, or shall knowingly assist in or connive at any Fraud in or concerning the Weight of any Cart or of the Load therein, or if any other Person shall know-

PART V. General Police Regulations. Sect. 3.

ingly aid or assist in the committing of any Fraud respecting the Weight of any Cart or the Load therein, weighed, or stated or represented to be weighed, at any such Machine as aforesaid, then and in every such Case every Person so offending shall for every Offence be liable to a Penalty not exceeding *Five Pounds*, or to be imprisoned for any Period not exceeding *Thirty* Days.

Regulations may be made for preventing Fraud in the Weight of Hay, Straw, &c.

261. In order to prevent Fraud in the Weight of Hay and Straw or other Commodities usually weighed in Carts, it shall be lawful for the Commissioners to make Regulations for ascertaining the Weight or Quantity of Hay or Straw or other Commodities brought within the Burgh, upon Parties voluntarily resorting to the said Weighing Machines for the Purpose, and for the Sheriff or Magistrate to punish Persons disobeying such Regulations, by seizing, forfeiting, and selling such Hay and Straw or other Commodities so brought in contravention of such Regulations, or by imposing on the Offender a Penalty to the Extent and in the Manner before prescribed in respect of Coals which have not been duly weighed, and also to fine all Persons driving Carts from which Hay or Straw or other Commodities shall have been fraudulently taken or embezzled, and all Persons accessory to such fraudulent taking or Embezzlement, in any Penalty not exceeding *Five Pounds*, or to sentence him to Imprisonment for any Period not exceeding *Thirty* Days.

Power to try Weight of Butter, &c. made up in Parcels, and to seize and confiscate if found deficient.

262. And for the Purpose of preventing Fraud in the Sale of Butter, Bread, and other Articles made up in Parcels or Quantities representing a Pound or Half Pound, or other larger or smaller specific Weight, it shall be lawful for the Superintendent of Police at any Time, or for any Police Constable having Orders or Instructions to that Effect from the Magistrates or any One of them, to try the Weight of such Parcels or Quantities of Butter, Bread, and other Articles brought within the Burgh for Sale, or sold or exposed or kept for Sale in any Shop or Market Place within the Burgh; and it shall be lawful for the Superintendent at any Time when he shall deem it necessary or proper, or for any Police Constable, on the Warrant of any of the Magistrates, to enter any Shop, Store, or other Premises within the Burgh in which such Parcels and Quantities of Butter, Bread, and other Articles are sold or exposed or kept for Sale, and to try the Weight of such Parcels or Quantities of Butter, Bread, and other Articles as may be found therein; and if upon any such Trial or Examination any Parcel or Quantity shall be found light or deficient in Weight, it shall be lawful to seize the same, and to require the Person possessed thereof to appear before any of the Magistrates, or to attend at the Police Office, and in the event of Refusal, and such Person not being known as a Householder or Store

or

or Shop Keeper within the said Limits, to convey such Person before the Magistrates or any of them, or to the Police Office, for Examination; and it shall be lawful for the Magistrates or any of them, on finding that any Parcel or Quantity of Butter, Bread, or other Article so seized is light or deficient, and was so at the Time of Seizure, to declare the same forfeited, and to send the same to any charitable Institution, and to fine the Person in whose Possession it has been found in a Sum not exceeding *Forty Shillings* for every Parcel or Quantity intended to represent a specific Weight found deficient.

Penalty on committing Frauds in Weight of Bread.

263. All Bakers and Dealers in Bread shall, on all Bread made or exposed by them for Sale (except Fancy Bread or Rolls), impress thereon, in large and distinct Figures, the Imperial Weight of such Bread; and any Person who shall expose or offer for Sale or sell any Bread not so impressed shall be liable in a Penalty not exceeding *Forty Shillings* for each Offence; and any Person who shall sell, or offer or expose for Sale, any Bread which shall be deficient or under the Weight so impressed, shall be liable in a Penalty not exceeding *Forty Shillings* for each Offence.

PART V.

SECTION IV.—*Hackney Carriages, Sedan Chairs, Carters, and Porters.*

Hackney Carriages, Sedan Chairs, &c.

Hackney Carriages to be licensed.

264. The Magistrates may from Time to Time license to ply for Hire within *Five* Miles from the principal Post Office of the Burgh such Number of Hackney Coaches or Carriages, of any Kind or Description, adapted to the Carriage of Persons, as they shall think fit.

What to be Hackney Carriages.

265. Every wheeled Carriage, whatever may be its Form or Construction, used in standing or plying for Hire in any Street within such prescribed Distance, and every Carriage standing upon any Street within such prescribed Distance, having thereon any numbered Plate required by this Act to be fixed upon a Hackney Carriage, or having thereon any Plate resembling or intended to resemble any such Plate as aforesaid, shall be deemed to be a Hackney Carriage within the Meaning of the Act; and in all Proceedings at Law or otherwise the Term "Hackney Carriage" shall be sufficient to describe any such Carriage: Provided always, that no Stage Coach used for the Purpose of standing or plying for Passengers to be carried for Hire at separate Fares, and duly licensed for that Purpose, and having thereon the proper numbered Plates required by Law to be

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be placed on such Stage Coaches, shall be deemed to be a Hackney Carriage within the Meaning of this Act.

Fees to be paid for Licences.

266. For every such Licence there shall be paid to the Clerk or other Person appointed by them to receive the same such Sum as the Magistrates direct, not exceeding *Five Shillings.* 5

Persons applying for Licence to sign a Requisition for same.

267. Before any such Licence is granted, a Requisition for the same, in such Form as the Magistrates may from Time to Time provide for that Purpose, shall be made and signed by the Proprietor or One of the Proprietors of the Hackney Carriage in respect of which such Licence is applied for, and in every such Requisition shall be 10 truly stated the Name and Surname and Place of Abode of the Person applying for such Licence, and of every Proprietor or part Proprietor of such Carriage, or Person concerned, either solely or in Partnership with any other Person, in the keeping, employing, or letting to Hire of such Carriage; and any Person who, on applying 15 for such Licence, states in such Requisition the Name of any Person who is not a Proprietor or part Proprietor of such Carriage, or who is not concerned as aforesaid in the keeping, employing, or letting to Hire of such Carriage, and also any Person who wilfully omits to specify truly in such Requisition as aforesaid the Name of any 20 Person who is a Proprietor or part Proprietor of such Carriage, or who is concerned as aforesaid in the keeping, employing, or letting to Hire of such Carriage, shall be liable to a Penalty not exceeding *Ten Pounds.*

What shall be specified in the Licence.

268. In every such Licence shall be specified the Name and 25 Surname and Place of Abode of every Person who is a Proprietor or part Proprietor of the Hackney Carriage in respect of which such Licence is granted, or who is concerned, either solely or in Partnership with any other Person, in the keeping, employing, or letting to Hire of any such Carriage, and also the Number of such Licence, 30 which shall correspond with the Number to be painted or marked on the Plates to be fixed on such Carriage, together with such other Particulars as the Magistrates think fit.

Licences to be registered.

269. Every Licence shall be made out by the Clerk of the Magistrates, and duly entered in a Book to be provided by him for that 35 Purpose, and in such Book shall be contained Columns or Places for Entries to be made of every Offence committed by any Proprietor or Driver or Person attending such Carriage, and any Person may at any reasonable Time inspect such Book without Fee or Reward.

270. Every

270. Every Licence so to be granted shall be signed by Two or more of the Magistrates, and shall not include more than One Carriage so licensed, and shall be in force for *One Year* only from the Day of the Date of such Licence, or until the next General Licensing Meeting, in case any General Licensing Day be appointed by the Magistrates.

Licences to be in force for One Year only.

271. So often as any Person named in any such Licence as the Proprietor or One of the Proprietors, or as being concerned, either solely or in Partnership with any Person, in the keeping, employing, or letting to Hire of any such Carriage, changes his Place of Abode, he shall, within *Seven* Days next after such Change, give Notice thereof in Writing, signed by him, to the Magistrates, specifying in such Notice his new Place of Abode, and he shall at the same Time produce such Licence at the Office of the Magistrates, who shall, by their Clerk or some other Officer, endorse thereon and sign a Memorandum specifying the Particulars of such Change; and any Person named in any such Licence as aforesaid as the Proprietor or One of the Proprietors of any Hackney Carriage, or as being concerned as aforesaid, who changes his Place of Abode, and neglects or wilfully omits to give Notice of such Change, or to produce such Licence, in order that such Memorandum as aforesaid may be endorsed thereon, within the Time and in the Manner limited and directed by this Act, shall be liable to a Penalty not exceeding *Forty Shillings*.

Notice to be given by Proprietors of Hackney Carriages of any Change of Abode.

272. If the Proprietor or part Proprietor of any Carriage, or any Person so concerned as aforesaid, permits the same to be used as a Hackney Carriage plying for Hire within such prescribed Distance without having obtained a Licence as aforesaid for such Carriage, or during the Time that such Licence is suspended, as herein-after provided, or if any Person be found driving, standing, or plying for Hire with any Carriage within such prescribed Distance, for which such Licence as aforesaid has not been previously obtained, or without having the Number of such Carriage corresponding with the Number of the Licence openly displayed on such Carriage, every such Person so offending shall for every such Offence be liable to a Penalty not exceeding *Forty Shillings*.

Penalty for plying for Hire without a Licence.

273. No Person shall act as Driver of any Hackney Carriage, licensed in pursuance of this Act to ply for Hire within such prescribed Distance, without first obtaining a Licence from the Magistrates, which Licence shall be registered by the Clerk to the Magistrates, and a Fee of *One Shilling* shall be paid for the same; and every such Licence shall be in force until the same is revoked,

Drivers not to act without first obtaining a Licence.

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except during the Time that the same may be suspended, as after mentioned.

Penalty on Drivers acting without Licence.

274. If any Person acts as such Driver as aforesaid without having obtained such Licence, or during the Time that his Licence is suspended, or if he lend or part with his Licence, except to the Proprietor of the Hackney Carriage, or if the Proprietor of any Hackney Carriage employ any Person as the Driver thereof who has not obtained such Licence, or during the Time that his Licence is suspended, as herein-after provided, every such Driver and every such Proprietor shall for every such Offence respectively be liable to a Penalty not exceeding *Twenty Shillings.*

Proprietor to retain Licence of Drivers when in his Employ, and to produce the same when summoned.

275. In every Case in which the Proprietor of any Hackney Carriage permits or employs any licensed Person to act as the Driver thereof, such Proprietor shall cause to be delivered to him, and shall retain in his Possession, the Licence of such Driver while such Driver remains in his Employ; and in all Cases of Complaint, where the Proprietor of a Hackney Carriage is summoned to attend before a Magistrate, or to produce the Driver, the Proprietor so summoned shall also produce the Licence of such Driver, if he be then in his Employ; and if any Driver complained of be judged guilty of the Offence alleged against him, such Magistrate shall make an Endorsement upon the Licence of such Driver, stating the Nature of the Offence and the Amount of the Penalty inflicted; and if any such Proprietor neglect to have delivered to him and to retain in his Possession the Licence of any Driver while such Driver remains in his Employ, or if he refuse or neglect to produce such Licence as aforesaid, such Proprietor shall for every such Offence be liable to a Penalty not exceeding *Forty Shillings.*

Magistrates may endorse Convictions upon Licence.

Penalty on Proprietors for Neglect.

Proprietor to return Licence to Drivers when quitting his Service if they behave well, if otherwise Proprietor to summon them.

276. When any Driver leaves the Service of the Proprietor by whom he is employed without having been guilty of any Misconduct, such Proprietor shall forthwith return to such Driver the Licence belonging to him; but if such Driver have been guilty of any Misconduct, the Proprietor shall not return his Licence, but shall give him Notice of the Complaint which he intends to prefer against him, and shall forthwith summon such Driver to appear before a Magistrate to answer the said Complaint; and such Magistrate, having the necessary Parties before him, shall inquire into and determine the Matter of Complaint; and if upon Inquiry it appear that the Licence of such Driver has been improperly withheld, such Magistrate shall direct the immediate Re-delivery of such Licence, and award such Sum of Money as he thinks proper to be paid by such Proprietor to such Driver by way of Compensation.

Compensation in case of Licence being improperly withheld.

277. The

277. The Magistrates may, upon the Conviction for the Second Time of the Proprietor or Driver of any Hackney Carriage for any Offence under the Provisions of this Act with respect to Hackney Carriages, or any Byelaw made in pursuance thereof, suspend or revoke, as they deem right, the Licence of any such Proprietor or Driver.

Licences to be suspended or revoked for Misconduct.

278. No Hackney Carriage shall be used or employed, or let to Hire, or shall stand or ply for Hire, within such prescribed Distance, unless the Number of Persons to be carried by such Hackney Carriage, in Words at Length, and in the Form following, (that is to say,) "to carry Persons," be painted on a Plate placed on some conspicuous Place on the Outside of such Carriage, and in legible Letters, so as to be clearly distinguishable from the Colour of the Ground whereon the same are painted, *One Inch* in Length, and of a proportionate Breadth; and the Driver of any Hackney Carriage shall not be entitled to carry in or by such Hackney Carriage a greater Number of Persons than the Number painted thereon.

Number of Persons to be carried in a Hackney Carriage to be painted thereon.

279. If the Proprietor of any Hackney Carriage permit the same to be used, employed, or let to Hire, or if any Person stand or ply for Hire with such Carriage, without having the Number of Persons to be carried thereby painted and exhibited in manner aforesaid, or if the Driver of any Hackney Carriage, or of any Stage Coach or Omnibus, shall carry a greater Number of Persons in or by such Hackney Carriage, Stage Coach, or Omnibus than the Number of Persons painted thereon, or shall refuse, when required by the Hirer thereof, to carry in or by such Hackney Carriage the Number of Persons painted thereon, or any less Number, every Proprietor or Driver so offending shall be liable to a Penalty not exceeding *Forty Shillings.*

Penalty for Neglect or for Refusal to carry the prescribed Number.

280. Any Driver of a Hackney Carriage standing at any of the Stands for Hackney Carriages appointed by the Magistrates, or in any Street, who refuses or neglects, without reasonable Excuse, to drive such Carriage to any Place within such prescribed Distance, or any Distance to be appointed by any Byelaw of the Magistrates, not exceeding such prescribed Distance, to which he is directed to drive by the Person hiring or wishing to hire such Carriage, shall for every such Offence be liable to a Penalty not exceeding *Forty Shillings.*

Penalty on Driver for refusing to drive.

281. If the Proprietor or Driver of any Hackney Carriage, or if any other Person on his Behalf, agree beforehand with any Person hiring such Hackney Carriage to take for any Job a Sum less than

Penalty for demanding more than the Sum agreed for,

though less than the legal Fare.

than the Fare allowed by this Act, or any Byelaw made thereunder, such Proprietor or Driver shall be liable to a Penalty not exceeding *Forty Shillings* if he exact or demand for such Job more than the Fare so agreed upon.

Agreement to pay more than the legal Fare not to be binding, and Sum paid beyond the proper Fare may be recovered back.

282. No Agreement whatever made with the Driver, or with any Person having or pretending to have the Care of any Hackney Carriage, for the Payment of more than the Fare allowed by any Byelaw made under this Act, shall be binding on the Person making the same, and any such Person may, notwithstanding such Agreement, refuse, on discharging such Hackney Carriage, to pay any Sum beyond the Fare allowed as aforesaid; and if any Person actually pay to the Driver of any Hackney Carriage, whether in pursuance of any such Agreement or otherwise, any Sum exceeding the Fare to which such Driver was entitled, the Person paying the same shall be entitled, on Complaint made against such Driver before a Magistrate, to recover back the Sum paid beyond the proper Fare, and, moreover, such Driver shall be liable to a Penalty for such Exaction not exceeding the Sum of *Forty Shillings;* and in default of the Repayment by such Driver of such Excess of Fare, or of Payment of the said Penalty, the Magistrate shall forthwith commit such Driver to Prison, there to remain for any Time not exceeding *One Month,* unless the said Excess of Fare and the said Penalty be sooner paid.

Driver to carry, under an Agreement for a discretionary Distance, the Distance to which Hirer is entitled for the Fare.

283. If the Proprietor or Driver of any Hackney Carriage, or if any other Person on his Behalf, agree with any Person to carry in or by such Hackney Carriage Persons not exceeding in Number the Number so painted on such Carriage as aforesaid, for a Distance to be in the Discretion of such Proprietor or Driver, and for a Sum agreed upon, such Proprietor or Driver shall be liable to a Penalty not exceeding *Forty Shillings* if the Distance which he carries such Persons be under that to which they were entitled to be carried for the Sum so agreed upon, according to the Fare allowed by any Byelaw made under this Act.

Overcharge by Hackney Coachmen, &c. to be included in Conviction, and returned to aggrieved Party.

284. Every Proprietor or Driver of any Hackney Carriage who is convicted of taking as a Fare a greater Sum than is authorized by any Byelaw made under this Act shall be liable to a Penalty not exceeding *Forty Shillings;* and on the Conviction of such Proprietor or Driver an Order may be included for Payment of the Sum so overcharged, over and above the Penalty and Costs, and such Overcharge shall be returned to the Party aggrieved, whose Evidence shall be admissible in proof of such Offence.

285. Any

285. Any Proprietor or Driver of any Hackney Carriage which is hired who permits or suffers any Person to be carried in or upon or about such Hackney Carriage during such Hire, without the express Consent of the Person hiring the same, shall be liable to a Penalty not exceeding *Twenty Shillings*.

Penalty for permitting Persons to ride without Consent of the Hirer.

286. No Person authorized by the Proprietor of any Hackney Carriage to act as Driver of such Carriage shall suffer any other Person to act as Driver of such Carriage without the Consent of the Proprietor thereof, and no Person, whether licensed or not, shall act as Driver of any such Carriage without the Consent of the Proprietor; and any Person so suffering another Person to act as Driver, and any Person so acting as Driver, without such Consent as aforesaid, shall be liable to a Penalty not exceeding *Forty Shillings* for every such Offence.

No Person to act as Driver of any Carriage without the Consent of the Proprietor.

287. If the Driver or any other Person having or pretending to have the Care of any Hackney Carriage be intoxicated while driving, or if any such Driver or other Person, by wanton and furious driving, or by any other wilful Misconduct, injure or endanger any Person in his Life, Limbs, or Property, he shall be liable to a Penalty not exceeding *Five Pounds*, and in default of Payment thereof the Magistrate before whom he is convicted of such Offence may commit him to Prison, there to remain for any Time not exceeding *Two Months*.

Penalty on Drivers misbehaving.

288. If the Driver of any Hackney Carriage leave it in any Street or at any Place of public Resort or Entertainment, whether it be hired or not, without some one proper to take care of it, any Constable may drive away such Hackney Carriage, and deposit it, and the Horse or Horses harnessed thereto, at some neighbouring Livery Stable or other Place of safe Custody; and such Driver shall be liable to a Penalty not exceeding *Twenty Shillings* for such Offence; and in default of Payment of the said Penalty, upon Conviction, and of the Expenses of taking and keeping the said Hackney Carriage and Horse or Horses, the same, together with the Harness belonging thereto, or any of them, shall be sold by Order of the Magistrates before whom such Conviction is made; and after deducting from the Produce of such Sale the Amount of the said Penalty, and of all Costs and Expenses, as well of the Proceedings before such Magistrate as of the taking, keeping, and Sale of such Hackney Carriage, and of such Horse or Horses and Harness, the Surplus (if any) of the said Produce shall be paid to the Proprietor of such Hackney Carriage.

Penalty for leaving Carriages unattended at Places of public Resort.

PART V. General Police Regulations. Sect. 4.

Damage done by Driver may be recovered from the Proprietor.

289. In every Case in which any Hurt or Damage has been caused to any Person or Property as aforesaid by the Driver of any Carriage let to Hire, the Magistrate before whom such Driver has been convicted may direct that the Proprietor of such Carriage shall pay such Sum, not exceeding *Five Pounds*, as appears to such Magistrate a reasonable Compensation for such Hurt or Damage; and every Proprietor who pays any such Compensation as aforesaid may recover the same from the Driver; and such Compensation shall be recoverable from such Proprietor, and by him from such Driver, as Damages.

Improperly standing with Carriage, refusing to give way to or obstructing any other Driver, or depriving him of his Fare.

290. Any Driver of any Hackney Carriage who suffers the same to stand for Hire across any Street or alongside of any other Hackney Carriage, or who refuses to give way, if he conveniently can, to any other Carriage, or who obstructs or hinders the Driver of any other Carriage in taking up or or setting down any Person into or from such other Carriage, or who wrongfully in a forcible Manner prevents or endeavours to prevent the Driver of any other Hackney Carriage from being hired, shall be liable to a Penalty not exceeding *Twenty Shillings*.

Compensation may be awarded to Drivers for Loss of Time in attending to answer Complaints not substantiated.

291. If the Driver of any Hackney Carriage be summoned or brought before any Magistrate to answer any Complaint made on Information given by any private Person touching or concerning any Offence alleged to have been committed by such Driver against the Provisions of any Byelaw made under this Act, and such Complaint or Information be afterwards dismissed, or if such Driver be acquitted of the Offence charged against him, such Magistrate, if he think fit, may order the Informer to pay to such Driver such Compensation for his Loss of Time in attending such Magistrate touching or concerning such Complaint or Information as to such Magistrate seems reasonable; and in default of Payment of such Compensation such Magistrate may commit such Informer to Prison for any Time not exceeding *One Month*, unless the same shall be sooner paid.

Penalty for refusing to pay the Fare.

292. If any Person refuse to pay, on Demand, to any Proprietor or Driver of any Hackney Carriage, the Fare allowed by any Byelaw made under this Act, such Fare may, together with Costs, be recovered before any Magistrate as a Penalty.

Penalty for damaging Carriage.

293. Any Person using any Hackney Carriage plying under a Licence granted by virtue of this Act, who wilfully injures the same, shall for every such Offence be liable to a Penalty not exceeding *Five Pounds*, and shall also pay to the Proprietor of such Hackney Carriage reasonable Satisfaction for the Damage sustained by the same;

same; and such Satisfaction shall be ascertained by the Magistrate before whom the Conviction takes place, and shall be recovered by the same Means as the Penalty.

PART V. General Police Regulations. Sect. 4.

Magistrates may make Byelaws for regulating Hackney Carriages.

294. The Magistrates may from Time to Time (subject to the Restrictions of this Act) make Byelaws for all or any of the Purposes following; that is to say,

For regulating the Conduct of the Proprietors and Drivers of Hackney Carriages plying within such prescribed Distance in their several Employments, and determining whether such Drivers shall wear any and what Badges, and for regulating the Hours within which they may exercise their Calling:

For regulating the Manner in which the Number of each Carriage, corresponding with the Number of its Licence, shall be displayed:

For regulating the Number of Persons to be carried by Hackney Carriages, and in what Manner such Number is to be shown on such Carriage, and what Number of Horses or other Animals is to draw the same, and the placing of Check Strings to the Carriages, and the holding of the same by the Driver, and how Hackney Carriages are to be furnished or provided:

For fixing the Stands of Hackney Carriages, and the Distance to which they may be compelled to take Passengers, not exceeding such prescribed Distance:

For fixing the Rates or Fares, as well for Time as Distance, to be paid for Hackney Carriages within such prescribed Distance, and for securing the due Publication of such Fares:

For securing the safe Custody and Re-delivery of any Property accidentally left in Hackney Carriages, and fixing the Charges to be made in respect thereof.

For licensing Sedan Chairs, Carts, and Porters.

295. It shall be lawful for the Magistrates from Time to Time to make such Rules, Regulations, and Byelaws as they may think fit for licensing Sedan Chairs, Carts, Carters, and Porters plying for Hire within the Burgh, for trying, judging, and punishing the Misbehaviour of such Chairmen, Carters, and Porters, for fixing and altering their Stands, and for ascertaining what Rates and Fares they shall be allowed to take, and to what Distances and under what Penalties they shall come in and through the Burgh, and also to make such Rules, Regulations, and Byelaws as they may think fit for licensing Chimney Sweepers, and for fixing their Charges, and from Time to Time rescind, alter, or amend the Rules, Regulations, and Byelaws so to be made by them, and shall set down what Penalties shall

PART V. General Police Regulations. Sect. 5.

shall be incurred by Persons breaking or evading the same or any of them, not exceeding the Sum of *Forty Shillings* for any One Offence.

PART V.

SECTION V.—*Brokers and Pawnbrokers.*

Brokers and Pawnbrokers.

Brokers to be licensed.

296. From and after the Adoption of this Act, no Person shall within the Burgh exercise or carry on the Trade or Business of a Broker, unless he shall have first obtained a Licence so to do from the Magistrates of Police, which Licence such Magistrates shall have a discretionary Power of granting or refusing, as they shall see Cause, and which, when granted, shall continue in force until the Term of *Whitsunday in each Year*, and no longer, unless sooner revoked or suspended, which the Magistrates are hereby authorized to do, on legal Conviction of any Violation of any of the Conditions of such Licence or of the Provisions of this Act; and every Person applying for such Licence or a Renewal thereof shall pay to the Clerk a Sum not exceeding *Two Shillings and Sixpence*, as the Expense attending such Application, and of recording the same, and the Deliverance of the Magistrates thereon, and of such Licence or Renewal, if granted, in a Book to be kept by him for that Purpose; and if any Person shall within the Burgh exercise or carry on the Trade or Business of a Broker without having first obtained such Licence as aforesaid, or after the Revocation or during the Suspension thereof, or shall contravene the Terms of such Licence or any of the Provisions of this Act, such Person shall for each such Offence be liable to a Penalty not exceeding *Five Pounds:* Provided always, that it shall not be lawful for the Magistrates to grant any such Broker's Licence to any licensed Pawnbroker carrying on Business as such; but nothing in this Provision shall be held to apply to the Sale of Goods bonâ fide forfeited in accordance with the Pawnbrokers Act.

Brokers to furnish a Description of their Premises, and keep Books.

297. Every Person who shall apply to be licensed as a Broker shall, at the Time of his Application, and at *Whitsunday yearly* thereafter, furnish to the Clerk in Writing a Description of his Premises, including all Cellars, Closets, and other Places proposed to be used by him in the Course of his Trade; and all Brokers shall enter in Books to be kept by them the Particulars of each Transaction in their Business, which Particulars should contain a proper and distinctive Description of each Article purchased or received by them, the Name and Place of Abode of the Person from whom they have purchased or received the same, and the Date and Hour of the Day of each such Transaction, and the Price paid or agreed to be paid for such Articles; and if any such Broker shall fail to keep such Book, or to enter

Penalty on failing to

enter therein the Particulars before mentioned, he shall for each Offence be liable to a Penalty not exceeding *Five Pounds.*

make proper Entries.

298. All Articles purchased or received by such Brokers shall be kept by them in their Shops or other Places where their ordinary Business is carried on for the full Period of *Seven Days* from and after the Date on which it shall appear from their Books that such Articles have been purchased or received; and every Broker who shall sell or otherwise dispose of or remove from his Premises as aforesaid any such Articles, before the Expiry of such Period of *Seven Days*, or shall fail at any Time in the course of that Period to produce such Articles to the Superintendent of Police, or to any Constable acting under him, when required so to do, shall for each Offence, upon Conviction before a Magistrate, be liable to a Penalty not exceeding *Five Pounds.*

Brokers to retain Articles for Seven Days after having received them.

Penalty for Neglect.

299. Every Broker shall, at all reasonable Times, exhibit and produce, on Demand, to the Superintendent of Police, or to any Constable acting under him, all Articles in his Possession, or which he may have received or purchased, and shall also produce his Books in which the Description of any such Articles is or should have been entered, when required, in the Police Court, or to the Superintendent of Police, or any Constable acting under him, and having the Authority of the Sheriff or a Magistrate, in which Book the Constable requiring and obtaining Production thereof shall on every Occasion subscribe his Name immediately following the last Entry therein; and as often as it shall be found that any Goods or Articles which have been stolen, embezzled, or fraudulently obtained shall be in the Possession of any Broker, he is hereby required, on being informed by the Superintendent of Police or other Constable authorized as aforesaid that such Goods or Articles were stolen, embezzled, or fraudulently obtained, to deposit the same with the Superintendent of Police, in order that they may be produced in such Manner as may be necessary for the Ends of Justice, or upon Proof of Ownership, to the Satisfaction of the Judge, restored to the proper Owner thereof; and every Broker who shall refuse to produce and show the Goods or Articles in his Possession, or the Books in which the same ought or should have been described, on being required so to do, or who shall refuse to allow the Superintendent of Police or Constable requiring the same to subscribe his Name, or who shall not deposit any such Goods or Articles stolen, embezzled, or fraudulently obtained as aforesaid, shall, upon Conviction before a Magistrate, for every such Offence be liable to a Penalty not exceeding *Five Pounds*, without Prejudice to such Broker being also proceeded against as a Receiver or Resetter of stolen Goods, according to Law.

Brokers to produce Articles on Demand.

PART V. General Police Regulations. Sect. 5.

Pawnbroker to produce his Book, on Demand.

300. Every Pawnbroker shall at all Times during his Hours of Business produce, on Demand, to the Superintendent of Police, or to any Constable acting under him, his Books in which the Articles received by him in Pledge are entered, and shall exhibit to such Superintendent of Police all Goods regarding which Information shall have been given tending to show or to render probable that the same have been stolen, embezzled, or fraudulently taken, and, if required, shall deposit the same with the Superintendent of Police, for the Ends of Public Justice, on receiving a Receipt for such Goods; and any Pawnbroker who shall refuse to produce his Books, or to exhibit, and, if required, to deposit any Goods as aforesaid, shall for every Offence be liable to a Penalty not exceeding *Five Pounds.*

Brokers, &c. to report stolen Goods, under a Penalty for Neglect.

301. If any Goods or Articles regarding which written or printed Information shall be given by any Constable to any Pawnbroker or Broker as having been stolen, embezzled, or fraudulently obtained, shall then be or thereafter come into the Possession of such Pawnbroker or Broker, such Pawnbroker or Broker shall, without unnecessary Delay, give Information at the Police Office that certain Goods or Articles answering the Description of the said Goods or Articles were offered to him or are in his Possession, and shall also state the Name and Address given by the Party by whom the same were offered or from whom the same were received, under a Penalty not exceeding *Five Pounds* for each and every such Neglect or Offence: Provided always, that in the Case of Wearing Apparel or other Articles which it may be difficult for such Pawnbroker or Broker to trace out and identify, no Fine shall be exigible in respect of not reporting such Articles, unless it shall appear to the Magistrate that such Articles had been knowingly concealed by such Pawnbroker or Broker.

If stolen Articles be altered or defaced by Broker, he shall be held to be Receiver of stolen Goods.

302. If any Broker shall, after receiving Information of the Theft, or the embezzling or the fraudulent Disposal of any Metals, Goods, or Articles, of whatsoever Description, melt, alter, deface, or put away the same, or shall cause the same to be melted, altered, defaced, or put away, without having previously received the Permission of the Magistrate, and if it shall be found that such Metals, Goods, or Articles were stolen, embezzled, or fraudulently disposed of by the Person from whom such Broker received the same, or by any other Person, then and in such Case it shall be held that such Broker knew that such Metals, Goods, or Articles were stolen, embezzled, or fraudulently disposed of, and such Broker shall be proceeded against according to Law as a Receiver of stolen Goods, or as being a Party to the Fraud, and punished accordingly; and no other Evidence of his Guilt shall be necessary than Evidence of such melting, altering, defacing, or putting away, after receiving Information as aforesaid.

303. It

Part V. General Police Regulations. Sect. 5.

303. It shall not be lawful for any Broker or any Pawnbroker to carry on Business as a Publican or Retailer of exciseable Liquors, nor for any Broker to purchase, receive, or take the Note or Ticket of any Pawnbroker for any Goods or Articles which have been pawned, 5 or to contract or negotiate in any Manner with the Holder of any such Note or Ticket, or any Person in his Behalf, for the Purchase of Goods or Articles specified therein; and if any Broker shall offend herein, either by himself or his Servant, or any other Person having the Charge of his Premises, and for whom in such Case he shall be 10 held responsible, such Broker shall for every such Offence be liable to a Penalty not exceeding *Five Pounds.*

Brokers not to carry on Business of Publicans, not to purchase Tickets of Pawnbrokers.

304. If any Broker shall receive or take any Goods or Articles in Pledge, such Broker shall, upon Conviction thereof by the Oath of One or more credible Witness or Witnesses, for every such Offence 15 be liable to a Penalty not exceeding *Five Pounds.*

Brokers not to take Articles in Pledge.

305. It shall not be lawful for a Pawnbroker and Broker to carry on their respective Trades within the same Premises, or in separate Premises having a Communication with each other; and every Pawnbroker or Broker who shall offend herein shall for every such Offence 20 be liable to a Penalty not exceeding *Five Pounds.*

Pawnbroker and Broker not to carry on Business in the same Premises.

306. It shall not be lawful for any Broker at any Time to sell to or purchase from any Person who shall apparently be under *Fourteen Years* of Age; and if any Broker shall offend herein, either by himself or his Servant or any other Person having the Charge of his Pre- 25 mises, and for whom in such Case he shall be held responsible, such Broker shall for every such Offence be liable to a Penalty not exceeding *Five Pounds.*

Penalty on Brokers transacting Business with Persons under 14 Years of Age.

307. It shall not be lawful for any Broker to sell to or purchase from or have any Business Transaction whatsoever with any Person 30 between the Hours of *Ten o'Clock* of each Saturday Night and *Nine o'Clock* in the Morning of the following Monday; and if any Broker shall offend herein, either by himself or his Servant or any other Person having the Charge of his Premises, and for whom in such Case he shall be held responsible, such Broker shall, on being con- 35 victed thereof by the Oath of One or more credible Witness or Witnesses, for every such Offence be liable to a Penalty not exceeding *Five Pounds.*

Penalty on Brokers transacting Business between certain Hours.

308. Any Pawnbroker or Broker who shall, either by himself or his Servant or by any other Person having the Charge of his Pre- 40 mises or Business, and for whom in such Case he shall be held responsible,

Penalty on Pawnbrokers, &c. purchasing Tickets

issued by Charitable Institutions.

sible, and any other Person who shall purchase, receive, or take any Note or Ticket issued by Authority of any Parochial Board or Charitable Institution, or any Article of Clothing issued by Authority of any Parochial Board or Charitable Institution, and legibly marked, or as known by him to be so issued, shall for each such Offence be liable to a Penalty not exceeding *Five Pounds*, without Prejudice to such Pawnbroker, Broker, or other Person being proceeded against according to Law as a Resetter of stolen Goods.

Brokers to have their Names painted over Shop Doors.

309. Every Person licensed as a Broker shall have his Name with the Words "Licensed Broker" painted over the Door or principal Entrance of his Premises, in large Characters, either Black upon a White Ground, or White upon a Black Ground, and shall from Time to Time replace the same when removed, obliterated, or defaced, under a Penalty not exceeding *Twenty Shillings*.

Broker may detain suspected Persons offering Goods for Pledge or Sale.

310. It shall be lawful for any Pawnbroker or other Broker or Dealer, or any other Person to whom any Goods or Articles which shall be reasonably suspected to be stolen or illegally obtained shall be offered to be pawned, sold, or delivered, to detain the Person offering the same, and for any Officer or Constable thereon to take such Person into Custody, for the Purpose of being examined by a Magistrate, who may, on Examination, immediately discharge such Person, or may, if he shall see any Ground for believing that the Goods or Articles have been stolen or illegally obtained, remand such Person to the Police Office, or commit him to Prison for a Period not exceeding Three Days, for further Examination, or till Bail be given for his Appearance within the said Term for further Examination, and if on further Examination the Magistrate shall be satisfied that the Goods or Articles were stolen or otherwise illegally obtained, he may commit the Person charged to Prison, to be dealt with according to Law: Provided always, that the Superintendent or other Person on Duty at the Police Office or Watch-house to which such Person so offering such Goods or Articles may be taken shall, without Delay, inquire as to the Circumstances attending the Possession of such Goods or Articles, in order to his determining, in the Absence of the Magistrate or Procurator Fiscal, whether the Party shall be immediately discharged or liberated on Bail, in manner herein provided.

PART V.

SECTION VI.—*Articles found or stolen or fraudulently obtained.*

Goods or Money found to be reported at

311. All Goods, Parcels, Bank Notes, or Money, or other Articles found within the Burgh, and for which at the Time the same are found no Owner may be known, shall be reported at the Police Office by

by the Person finding the same, who shall also cause an Advertisement to be inserted in any One or more Newspapers in general Circulation in the Burgh; and if any Person who shall find such Goods, Parcels, Bank Notes, Money, or Articles as aforesaid, shall take possession thereof, and shall fail to report the same as aforesaid within *Forty-eight* Hours after such Possession, he shall be deemed guilty of an Offence, and be liable to a Penalty not exceeding *Five Pounds;* and if any Person who shall find such Goods, Articles, Parcels, Bank Notes, or Money, shall take possession thereof, and shall apply the same to his own Use, he shall be deemed guilty of a higher Offence, and be liable to a Penalty not exceeding *Ten Pounds*, besides restoring the same to the Owner thereof.

Police Office, and Penalty if appropriated by Party finding.

312. If any Goods or Articles shall be stolen or unlawfully obtained from any Person, or being unlawfully obtained shall be unlawfully pawned, pledged, sold, or exchanged, and Complaint shall be made thereof, and if such Goods shall be found in the Possession of any Broker or other Dealer in Second-hand Property, or of any Person who may have advanced Money upon the Credit of such Goods, it shall be lawful to any Magistrate to issue a Summons or Warrant for the Appearance of such Broker, Dealer, or other Person, and for the Production of the Goods or Articles; and the Ownership of such Goods or Articles being established to the Satisfaction of such Magistrate, he shall order such Goods or Articles to be delivered up to the Owner thereof, either with or without Payment of any Sum, and at such Time as the Magistrate shall think fit; and every Broker, Dealer, or other Person who, being so ordered, shall refuse or neglect to deliver up the Goods or Articles, or who shall dispose of or make away with the same after Notice that such Goods were stolen or unlawfully obtained as aforesaid, or unlawfully pawned, pledged, sold, or exchanged, shall forfeit to the Owner of the Goods the full Value thereof, to be determined by the Magistrate: Provided always, that no such Order shall prevent any Broker or Dealer from recovering Possession of such Goods by Action of Law from the Person into whose Possession they may have come by the Magistrate's Order, so that such Action be commenced within Three Months next after such Order shall be made.

Goods stolen or fraudulently disposed of to be delivered up to Owner.

313. Where any stolen or unclaimed Goods or Effects may be brought to the Police Office, the Superintendent or other Officer of Police shall forthwith enter the same in a Book to be kept in the Police Office for that Purpose, with the Names of the Parties from whom taken or by whom pledged or brought to the Police Office, in which Book the Superintendent or other Officer of Police shall also

How stolen or unclaimed Goods to be kept.

PART V. General Police Regulations. Sect. 7.

also enter the Date and Manner in which such stolen or unclaimed Goods shall be retained till disposed of.

Unclaimed Goods may be disposed of after Twelve Months.

314. Any Goods, Articles, or Money charged as having been stolen or unlawfully obtained, and of which the Owner may be unknown, shall be taken charge of by an Officer specially appointed in the Police Office; and it shall be lawful for any Magistrate, after the Expiration of *Twelve Months* during which no Owner shall have claimed the same, to grant Warrant for the Sale or Disposal of such Goods, Articles, or Money; and the Proceeds, after deducting Expenses, shall be applied to the Police Purposes of this Act.

PART V.

SECTION VII.—*Suppression of Vagrants.*

Vagrants and Beggars to be apprehended, and, upon Conviction, imprisoned.

315. It shall be lawful for any Constable to apprehend and bring before the Magistrate all Persons found begging, and all Persons conducting themselves as Vagrants, having no fixed Place of Residence, and no lawful Means of gaining their Livelihood, within the Burgh, and such Persons, upon Conviction, shall be liable to be imprisoned for any Period not exceeding *Thirty Days;* and if any Money be found upon their Persons, such Money may be applied towards their Maintenance while in Prison, and towards their Transmission thereafter to the Parish of their Settlement.

Procedure as to Persons sending out Children to beg.

316. It shall be lawful for any Constable to apprehend and bring before the Magistrate all young Persons found begging, or sent or suffered to go out for that Purpose, within the Burgh, and also the Parents of such young Persons, or other Relations to whose Control they are subject, by whom they have been so sent or suffered to go out, and also any other Persons by whom such young Persons have been so sent out; and on the Complaint being established that such young Persons have been sent out or suffered to go out for that Purpose by their Parents or either of them, or by any other Relation to whose Control they are subject, or have been sent out for that Purpose by any other Person, it shall be lawful for the Magistrate to punish such Parent, Relation, or other Person as a Vagrant or disorderly Person by Imprisonment for a Period not exceeding *Thirty Days.*

Beggars and Vagrants to be handed over to the Parochial Authorities.

317. It shall be lawful for any Constable to apprehend and bring before the Magistrate all such Beggars, Vagrants, and idle poor Persons, Men, Women, or Children, strolling or wandering or seeking Relief, or found lying in any Outhouse, Stair, Close, or Area, or other Place within the Burgh; and it shall be lawful for the Magistrate

trate to direct and cause all such Persons as he may not at the Time convict of Begging and Vagrancy, as herein-before provided, to be handed over to the Inspector of the Poor or other Official of the Parish within which such Persons shall have been found, in order that their Claim as Paupers may be investigated and disposed of according to Law.

PART V. General Police Regulations. Sect. 8.

318. All Chain Droppers, Thimblers, loaded Dice Players, and other Swindlers of that or any similar Description, who shall be found in possession of Implements or Articles for practising Games of Hazard, or who shall exhibit such Implements or Articles in order to induce or entice or who shall induce or entice any Person to play at any Game of Hazard, or who, by any fraudulent Art or Device, shall cozen and cheat or attempt to cozen and cheat any Person, may be convicted before a Magistrate on the Testimony of One or more credible Witness or Witnesses, and on Conviction shall be imprisoned for any Term not exceeding *Sixty Days*, and shall also at the same Time be sentenced to repay any Money or restore any Property which they may have obtained by means of any such Offence, and failing such Payment or Restoration may, under the same Procedure, be committed to or detained in Prison for any further Term not exceeding *Sixty Days*.

Penalty against Chain-droppers, Swindlers, &c.

PART V.

SECTION VIII.—*Public Bathing.*

Bathing.

319. Where any Part of the Seashore or Strand of any River used as a public Bathing Place is within the Burgh the Magistrates may make Byelaws for the following Purposes; that is to say,

Bathing Machines and Bathing.

For fixing the Stands of Bathing Machines on the Seashore or Strand, and the Limits within which Persons of each Sex shall be set down for bathing, and within which Persons shall bathe:

For regulating the Occupation of such Stands of Bathing Machines, and apportioning the same temporarily among the Owners of such Machines for the Time:

For preventing any indecent Exposure of the Persons of the Bathers:

For regulating the Manner in which and the Times at which the Bathing Machines shall be used, and the Charges to be made for the same:

For ensuring that the Bathing Machines shall be kept in a proper State of Repair:

For regulating the Distance at which Boats and Vessels let to Hire for the Purpose of sailing or rowing for Pleasure shall be kept from Persons bathing within such prescribed Limits.

PART V. General Police Regulations. Sect. 9.

PART V.

SECTION IX.—*Places of public Resort and disorderly Houses.*

Places of public Resort and disorderly Houses.

Penalty on Victuallers entertaining Constables while on Duty.

320. Every Person keeping any House, Shop, Room, Place of public Resort, or other Premises or Place of any Description within the Burgh, who knowingly harbours or entertains or suffers to remain in his Public House, Shop, Room, or Premises any Constable during any Part of the Time appointed for his being on Duty, unless for the Purpose of quelling any Disturbance or restoring Order, shall for every such Offence be liable to a Penalty not exceeding *Twenty Shillings.*

Penalty for harbouring disorderly Persons.

321. Every Person keeping any House, Shop, Room, Place of public Resort, or other Premises or Place of any Description within the Burgh, who shall permit any Breach of the Peace or riotous or disorderly Conduct within any Shop, Cellar, Room, Place of public Resort, House, Office, or Premises occupied or rented by him, or shall knowingly harbour Prostitutes, or permit or suffer Men and Women of notoriously bad Fame, or dissolute Boys and Girls, to meet or assemble therein, or shall knowingly lodge, entertain, or harbour any idle Rogue or Vagabond, such Person so offending shall for every such Offence be liable in a Penalty not exceeding *Ten Pounds*, and so from Time to Time, and the Magistrates may further ordain such Offenders to find Caution for their good Behaviour for *Twelve Months*, under a Penalty not exceeding *Twenty Pounds*, and in the event of such Security not being found to adjudge the Person offending to Imprisonment for any Term not exceeding *Sixty Days*: Provided always, that if any Person shall be found guilty of any such Offence a Second Time it shall be lawful for the Magistrates or any of them, on the Application of Three Householders, or of the Procurator Fiscal, to eject and remove such Person summarily from the Premises possessed by him, and to impose such further Penalty on such Offender, not exceeding *Twenty Pounds*, with Costs, as to the Judge may seem fit.

Officers may enter Public Houses on hearing disorderly Noise therein.

322. The Superintendent of Police or any Constable shall have Power, by virtue of his Office, to enter any House, or any Room, Booth, Tent, Caravan, or other Place, or any Vessel, on hearing any disorderly Noise therein, or having just Reason to believe that Persons are harboured or entertained therein contrary to the Provisions of this Act; and if the Keeper of any such House, Room, Booth, Tent, Caravan, or Place, or any Servant or other Person having the Charge thereof, or the Master or other Person having Charge of such Vessel, shall not admit such Superintendent or Constable, when required, such Person shall for every such Offence forfeit and pay a Sum not exceeding *Forty Shillings.*

323. Any

323. Any Person licensed to sell Wine, Spirits, Beer, Cider, or other fermented or distilled Liquors by Retail, who shall purchase any Article of Wearing Apparel, or Bed Clothes, or any Goods, or who shall receive any Article in Pawn as the Price or as Security for the Price of any fermented or distilled Liquors, shall be liable in a Penalty not exceeding *Five Pounds*, and in the Case of such Pawn the Article so received shall be restored to the Owner; and any Person licensed as aforesaid who shall supply any Sort of fermented or distilled Liquors to and for the Use on the Premises of such Person of any Boy or Girl apparently under *Fourteen Years* of Age shall be liable for the First Offence to a Penalty not exceeding *One Pound*, for the Second Offence to a Penalty not exceeding *Two Pounds*, and for a Third Offence to a Penalty not exceeding *Five Pounds*.

Penalty for purchasing Wearing Apparel or taking Pawn for spirituous Liquors, or supplying Liquors to Persons under 14 Years of Age.

324. Every Person who within the Burgh keeps or uses or acts in the Management of any House, Room, Pit, or other Place for the Purpose of fighting, baiting, or worrying any Animals shall be liable to a Penalty of not more than *Five Pounds*, or, in the Discretion of the Magistrate before whom he is convicted, to Imprisonment, with or without Hard Labour, for a Time not exceeding *One Month*, without any Penalty being imposed; and the Magistrate may, by Order in Writing, authorize the Superintendent of Police, with such Constables as he thinks necessary, to enter any Premises kept or used for any of the Purposes aforesaid, and take into Custody all Persons found therein without lawful Excuse, and every Person so found shall be liable to a Penalty not exceeding *Five Shillings*; and a Conviction for this Offence shall not exempt the Owner, Keeper, or Manager of any such House, Room, Pit, or Place from any penal Consequences to which he is liable for the Nuisance thereby occasioned.

Penalty on Persons keeping Places for baiting Animals, and on Persons found therein.

325. It shall be lawful for the Superintendent and Constable of Police, when they have good Grounds for believing that any House, Room, or Place is kept or used as a Gaming House, to enter such House, Room, or Place, and, if needful, to use Force for the Purpose of effecting such Entry, and to take into Custody all Persons who shall be found therein, and to seize all Tables for and Instruments of Gaming found in such House, Room, or Place, and all Monies and Securities for Money found therein; and the Owner or Keeper of such Gaming House, or other Person having the Care or Management thereof, and also any Person who shall act in any Manner in conducting such Gaming, shall be liable in a Penalty not exceeding *Fifty Pounds*; and upon Conviction of any such Offender all such Tables and Instruments of Gaming shall be destroyed, and all the Monies

Power to Superintendent, &c. to enter Gaming Houses, and seize Implements of Gaming.

Penalties.

PART V. General Police Regulations. Sects. 9, 10, 11.

Monies and Securities for Money which shall have been seized as aforesaid shall be paid over to the Collector of Police, and applied in the same Way and Manner as Penalties by this Act are directed to be applied; and every Person found within such Premises without lawful Excuse shall be liable in a Penalty not exceeding *Ten Pounds.*

Proof of Gaming for Money not necessary in support of Prosecution.

326. It shall not be necessary in support of any Prosecution under this Act for Gaming in or suffering any Game or Gaming in such Gaming House, or for keeping or using or being concerned in the Management or Conduct of such House, to prove that any Person found playing at any Game was playing for any Money, Wager, or Stake.

PART V.

Clocks.

SECTION X.—*Clocks.*

Power to Commissioners to provide public Clocks.

327. The Commissioners may from Time to Time provide such Clocks as they consider necessary, and cause them to be fixed upon or against any public Building, or, with the Consent of the Owner or Occupier, upon or against any private Building the Situation of which may be convenient for that Purpose, and may cause the Dials thereof to be lighted at Night, and from Time to Time alter and remove any such Clocks to such other like Situation as they shall consider expedient.

PART V.

Fires.

SECTION XI.—*Fires.*

Penalty for wilfully setting Chimneys on fire.

328. Every Person who wilfully sets or causes to be set on fire any Chimney within the Burgh shall be liable to a Penalty not exceeding *Five Pounds:* Provided always, that nothing herein contained shall exempt the Person so setting or causing to be set on fire any Chimney from Liability to be indicted or prosecuted therefor before any Criminal Court.

Penalty for accidentally allowing Chimneys to catch fire.

329. If any Chimney within the Burgh catch or be on fire, the Person occupying or using the Premises in which such Chimney is situated shall be liable to a Penalty not exceeding *Ten Shillings:* Provided always, that such Forfeiture shall not be incurred if such Person prove to the Satisfaction of the Magistrate before whom the Case is heard that such Fire was in nowise owing to Omission, Neglect, or Carelessness of himself or Servant; and provided also, that such Person shall pay the Expenses incurred in extinguishing the Fire, as the same shall be fixed by the Magistrate.

330. The

PART V. General Police Regulations. Sect. 11.

Fire Engines may be provided, and Firemen employed by the Commissioners.

330. The Commissioners may purchase or provide such Engines for extinguishing Fire, and such Water Buckets, Pipes, and other Appurtenances for such Engines, and such Fire Escapes and other Implements for Safety or Use in case of Fire, and may purchase, keep, or hire such Horses for drawing such Engines, as they think fit, and may build, provide, or hire Places for keeping such Engines with their Appurtenances, and may employ a proper Number of Persons to act as Firemen, and may make such Rules for their Regulation as they think proper, and give such Firemen and other Persons such Salaries and such Rewards for their Exertions in Cases of Fire as they think fit.

Fire Police permitted to go beyond the Limits of the Burgh in certain Cases.

331. The Commissioners may send such Engines, with their Appurtenances, and the said Firemen, beyond the Boundaries of the Burgh, for extinguishing Fire in the Neighbourhood of the Burgh; and the Owner of the Premises where such Fire shall have happened shall in such Case defray the actual Expense which may be thereby incurred, and shall also pay to the Commissioners a reasonable Charge for the Use of such Engines, with their Appurtenances, and for the Attendance of such Firemen; and in case of any Difference between the Commissioners and the Owner of such Premises, the Amount of the said Expenses and Charge, as well as the Propriety of sending the said Engines and Firemen as aforesaid for extinguishing such Fire (if the Propriety thereof be disputed), shall be determined by the Sheriff, whose Decision shall be final; and the Amount of the said Expenses and Charge shall be recovered by the Commissioners as any Debt may be recovered.

Prevention of Fires.

Party Walls to be carried up through the Roof.

Walls of Buildings and Coverings of Roofs to be made of incombustible Materials.

332. The Party Walls of all Buildings erected after the Adoption of this Act by any Burgh shall be carried through and above the Roof, to form a Parapet of not less than Twelve Inches in Height, measured at Right Angles with the Slope of the Roof, above the Covering of the Roof of the highest Building to which such Party Wall belongs; and all such Party Walls, and the external Walls of all Buildings erected after the Adoption of this Act in or near any Street, or within the Curtilage of any House adjoining any Street, shall be constructed of incombustible Materials, and the Coverings of the Roof thereof shall not, without the previous Consent in Writing of the Commissioners, be constructed of combustible Materials; and it shall not be lawful for the Owner of any Building within the Burgh having, at the Date of the Adoption by such Burgh of this Act, a Roof covered with Thatch or other combustible Material, and contiguous to or adjoining to any other Building, to suffer such Covering to such Roof to remain for a longer Period than Seven Years after such Adoption of this Act, unless with the Consent in Writing of the

PART V. General Police Regulations. Sect. 12.

the Commissioners; and every Person who shall erect any Building, or cover any Roof, or suffer the Covering of any Roof to continue, contrary to the Provision herein contained, and who shall not remove or alter the same within *One Month* after Notice given to him for that Purpose by the Commissioners, shall be liable to a Penalty not exceeding *One Pound* for every Day that such Building or Covering to such Roof shall so continue.

PART V.

SECTION XII.—*Ventilation and Cleansing.*

Ventilation and Cleanliness.

Regulating Construction of Buildings intended as Places for Public Meetings.

No Person to begin to build until Plan has been approved by Commissioners.

333. Before beginning to build any Building intended to be used as a Church, Chapel, or School, or a Place of Public Amusement or Entertainment, or for holding large Numbers of People for any Purpose whatsoever, within the Burgh, the Person intending to build the same shall give *Fourteen* Days Notice in Writing to the Commissioners, and shall accompany such Notice with a Plan and Description of the Manner proposed for its Construction, with respect to the Means of supplying fresh Air to such Building; and no Person shall begin to build such Building until the Manner proposed for its Construction, with respect to the Means for supplying fresh Air, has been approved of by the Commissioners; and in default of sending such Notice, or if any such Building be erected without such Approval, the Commissioners may cause such Building, or such Part of it as they consider necessary, to be pulled down or altered, at the Expense of the Owner, and any Expense incurred by the Commissioners in so doing may be recovered as herein-before provided with respect to ruinous or dangerous Buildings taken down or repaired by the Commissioners.

If Commissioners fail to signify their Approval or Disapproval of Plan within 7 Days, Party may proceed to build.

334. Provided always, if the Commissioners fail to signify in Writing their Approval or Disapproval of the Manner of Construction of such Building, with respect to the Means of supplying fresh Air shown on such Plan and Description as aforesaid, within *Seven* Days after receiving such Notice, accompanied by such Plan and Description, the Person giving such Notice may, notwithstanding anything herein contained, proceed to build the Building therein referred to in the Manner shown on such Plan and Description, provided that such Building be otherwise in accordance with the Provisions of this Act.

Persons may appeal against Determination of Commissioners.

335. Provided also, if the Person so intending to build be dissatisfied with the Determination of the Commissioners as to the said proposed Manner of Construction, he shall have the same Right of Appeal against the Determination of the Commissioners, and such Appeal

Appeal shall be conducted in the same Manner, as herein-before provided in the Case of Appeals against any Order of the Commissioners with respect to Works to be constructed by or subject to the Approval of the Commissioners.

PART V. General Police Regulations. Sect. 12.

336. It shall not be lawful to let separately, except as a Warehouse or Storehouse, or to suffer to be occupied as a Dwelling Place, any Cellar within the Burgh, after the Commissioners have given Notice to the Owners thereof that the letting of Cellars as Dwelling Places is prohibited from that Time forth; and it shall be the Duty of the Commissioners to issue such Notices from Time to Time, as soon as is convenient, until such Notice has been given with respect to every Cellar occupied as a Dwelling House within the Burgh.

Cellars in Courts not to be occupied as Dwellings after Letting prohibited.

337. It shall not be lawful, after Prohibition by the Commissioners, to let or continue to let, or to occupy or suffer to be occupied, separately, as a Dwelling, any Vault or Underground Room (not being entirely open on One or other of its Sides) whatsoever, which Vault or Room shall be less in Height from the Floor to the Ceiling than *Seven Feet*, or which shall be less than *One Third* of its Height above the Level of the Street or Ground adjoining the same, or otherwise shall not have *Three Feet* at least of its Height from the Floor to the Ceiling above the said Level, with an open Area of *Two Feet Six Inches* wide from the Level of the Floor of such Vault or Room up to the Level of the said Street or Ground, or which shall not have appurtenant thereto the Use of a Watercloset, or which shall not also have a glazed Window made to open to the full Extent of the Half thereof, the Area of which is not less than *Nine* superficial Feet clear of the Frame, and a Fireplace with a Chimney or Flue, or which Vault or Cellar, being an inner or back Vault or Cellar let or occupied along with a front Vault or Cellar as Part of the same Letting or Occupation, has not a ventilating Flue (unless such inner or back Vault or Cellar shall be Part of a House built before the Adoption of this Act), or which shall not be well and effectually drained by means of a Drain, the uppermost Part of which is *One Foot* at least below the Level of the Floor of such Vault, Cellar, or Room; but any Person considering himself aggrieved by any such Prohibition may, within *Ten Days* after the same is made known to him, Appeal against the same to the Sheriff.

No Cellars under the Height of 7 Feet from the Floor to the Ceiling to be let as Dwellings.

338. Every Person who lets separately, or who knowingly suffers to be occupied for Hire as a Dwelling, any Vault, Cellar, or Room within the Burgh, contrary to the Provisions of this Act, shall be liable to a Penalty not exceeding *Twenty Shillings* for every Day during

Penalty on letting such Cellars as Dwelling Places.

PART V. General Police Regulations. Sect. 12.

during which such Vault, Cellar, or Room is so occupied after Conviction of the First Offence.

Common Stairs to be ventilated, and Houses let for short Periods to be cleansed.

339. The Owners of all common Stairs shall have the same provided with proper Means of Ventilation to the Satisfaction of the Superintendent or Inspector of Nuisances, and shall whitewash or Paint the same as often as required to do so by the Superintendent or Inspector of Nuisances, and the Owners of all Premises occupied as Dwelling Houses let for shorter Periods than *Six Months* shall whitewash and properly cleanse such Premises, and every Part and Pertinent thereof, at least *twice* in the Year, in the Months of May and November, to the Satisfaction of the Inspector of Nuisances, and any such Owner failing to do so shall be liable to a Penalty not exceeding *Forty Shillings*.

Common Stairs to be cleansed.

340. The Occupiers of Dwelling Houses in common Stairs shall sweep, wash, and cleanse the Landing Places of the Flats or Storeys in which their Houses are situated, and the Steps leading from such Landing Places to the Flats or Storeys immediately below them, and also any intermediate Landing Place between such Flats or Storeys, at least *once* in every Week; and if there be more than One Occupier in each Storey or Flat, each Occupier shall sweep, wash, and cleanse such Landing Places and Stairs Week about by Turns; and such Occupiers shall at the same Time also sweep, wash, and cleanse the Passage and Stair, if any, leading from the lowest Step of such common Stair within the Premises to the Street; and any such Occupier who shall fail to sweep, wash, and cleanse as aforesaid, shall for every such Failure be liable in a Penalty not exceeding *Forty Shillings*.

Inspector may enter and cleanse Dwelling Houses, &c., at Expense of Owners.

341. It shall and may be lawful, at all reasonable Times, for the said Superintendent or Inspector to enter all Dwelling Houses and other Premises, and their Pertinents, where he has Reason to believe that they are not in a cleanly Condition, or have an Accumulation of Filth therein, and to cleanse and purify the same, and to remove such Filth therefrom, at the Expense of the Owner of such Dwelling Houses and other Premises, reserving to the said Owner his Recourse against the Occupier thereof, if such Accumulation of Filth shall have been caused or suffered to remain by such Occupier: Provided always, that if the Owner or Occupier of any such Dwelling House or other Premises shall object to the Entrance of the Inspector as aforesaid, it shall not be lawful for the Inspector to enter without a Warrant from the Magistrate authorizing him so to do.

342. All

342. All Persons dealing in Rags, Bones, and other offensive Substances shall at all Times be bound to keep their Premises in which such Articles are kept in a cleanly State, to the Satisfaction of the Superintendent of Police or Inspector of Nuisances, and to fumigate such Premises with Chloride of Lime or other purifying Matter for removing offensive Smells at least *Three* Times a Week, at the Sight of the Superintendent or Inspector, or of any Person acting under them, and Access shall at all reasonable Times be given to the Superintendent or Inspector, or such other Person acting under them, for such Purpose; and any Person failing therein shall, on Conviction before any One of the Magistrates, on the Testimony of One credible Witness or other legal Evidence, forfeit a Sum not exceeding *Two Pounds* for each Offence; and if it shall be established before any One of the Magistrates, on the Testimony of Two Medical Practitioners or other Evidence, that the collecting or keeping of Bones or Rags or other Substances in the Vicinity of any Dwelling House, Shop, or other Place is prejudicial to the Health or Comfort of Persons residing or employed therein, it shall be lawful for any One of the Magistrates to order such Rags, Bones, or other Substances to be removed within such Time as they may see proper, and to prohibit such collecting or keeping in future, under a Penalty not exceeding *Five Pounds*.

PART V. General Police Regulations. Sect. 13.

Provisions as to Premises for collecting offensive Substances.

PART V.

SECTION XIII.—*Slaughter-houses.*

Slaughter-houses.

343. The Commissioners may provide and establish fit Shambles or Slaughter-houses for the Purpose of slaughtering Cattle within the Burgh, and for that Purpose may borrow such Sums of Money as they shall find necessary on the Security of the Police Assessment, and of the Rates to be taken and levied for the Use of such Shambles and Slaughter-houses, and of the Shambles or Slaughter-houses and Ground on which the same are erected, or on any One or more thereof, and they may also license such Slaughter-houses as they from Time to Time think proper for slaughtering Cattle within the Burgh.

Commissioners may license Slaughter-houses.

344. No Place shall be used or occupied as a Slaughter-house within the Burgh unless and until a Licence for the Erection thereof, or for the Use and Occupation thereof as a Slaughter-house, have been obtained from the Commissioners; and every Person who, without having first obtained such Licence as aforesaid, uses as a Slaughter-house any Place within the Burgh, shall for each Offence be liable to a Penalty not exceeding *Five Pounds*, and a like Penalty for every Day after the Conviction for such Offence upon which such Offence is continued.

No new Slaughter-houses in future to be erected without a Licence.

PART V. General Police Regulations. Sect 13.

Commissioners may make Byelaws for Regulation of Slaughter-houses, &c.

345. The Commissioners shall from Time to Time, by Byelaws to be made and confirmed in the Manner herein-after provided, make Regulations or Byelaws for the licensing, registering, and Inspection of Slaughter-houses, and preventing Cruelty therein, and for keeping the same in a cleanly and proper State, and for removing Filth at least once in every *Twenty-four Hours*, and requiring them to be provided with a sufficient Supply of Water, and they may impose pecuniary Penalties on Persons breaking such Byelaws; provided that no such Penalty exceed for any One Offence the Sum of *Five Pounds*, and in the Case of a continuing Nuisance the Sum of *Ten Shillings* for every Day during which such Nuisance shall be continued after the Conviction for the First Offence.

Licence of Slaughter-houses may be suspended in addition to Penalty imposed.

346. The Magistrate before whom any Person is convicted of killing or dressing any Cattle contrary to the Provisions of this Act, or of the Non-observance of any of the Byelaws or Regulations made by virtue of this Act, in addition to the Penalty imposed on such Person under the Authority of this Act, may suspend for any Period not exceeding *Two Months* the Licence granted to such Person under this Act; and such Magistrate, upon the Conviction of any Person for a Second or other subsequent like Offence, may, in addition to the Penalty imposed under the Authority of this Act, declare the Licence granted under this Act revoked; and whenever the Licence of any such Person is revoked as aforesaid the Commissioners may refuse to grant any Licence whatever to the Person whose Licence has been so revoked.

Penalty for slaughtering Cattle during Suspension of Licence, &c.

347. Every Person who, during the Period for which any such Licence is suspended, or after the same is revoked as aforesaid, slaughters Cattle in the Slaughter-house to which such Licence relates, or otherwise uses such Slaughter-house, or allows the same to be used as a Slaughter-house, shall be liable to a Penalty not exceeding *Five Pounds* for such Offence, and a further Penalty of *Five Pounds* for every Day on which any such Offence is committed after the Conviction for the First Offence.

If Commissioners provide Slaughter-houses, no other Places to be used.

348. Should the Commissioners provide and establish Shambles or Slaughter-houses, as herein provided, or in virtue of Powers contained in any Local Act, no Person shall thereafter slaughter any Cattle or Beasts, or scald or dress the Carcasses of any slaughtered Cattle, or cause the same to be done, within the Boundaries of the Burgh in which such Slaughter-houses are provided, or within a Distance of *Two Miles* beyond such Boundaries, elsewhere than within the said Slaughter-houses, under a Penalty of *Five Pounds* for each Offence; and to prevent Evasion of the Use of such Slaughter-houses, all

Persons

Persons who shall, after such Slaughter-houses are provided, bring within the Boundaries of the Burgh, for Sale or Consumption therein, the Carcass or Part of a Carcass of any Cattle or Beast slaughtered beyond the Distance of *Two Miles* of the said Boundaries, shall, on their bringing such Carcass or Part of a Carcass within the said Boundaries, be liable in Payment to the Commissioners or their Collector for the Time being of the same Dues as shall at the Time be leviable for Cattle or Beasts slaughtered in such Slaughter-houses; and it shall and may be lawful for the Commissioners to demand and take, for the Use of the said Slaughter-houses, such reasonable Rate or Sum as may be agreed on and fixed between them and the Persons using the same; and in case of Difference as to the Rate to be taken for the Use of such Slaughter-houses, the same shall, upon the Application of either Party, and after *Seven Days* previous Notice to the other Party of such intended Application, be fixed and determined by the Sheriff in a summary Manner, without written Pleadings, and the Decision of the Sheriff shall be final and conclusive, and not subject to Review.

PART V. General Police Regulations. Sect. 14.

PART V.

SECTION XIV.—*Interments and Burial Grounds.*

Interments and Burial Grounds.

349. No Coffin containing a Corpse shall be buried in any Grave within the Burgh, not being a Vault or Catacomb, without at least *Thirty-six Inches* of Soil between the ordinary Surface of such Burial Ground and the upper Side of the Coffin; and if the Person having the Preparation or the immediate Charge of the Preparation of the Grave to receive such Coffin permit the Coffin to be buried in such Grave, or if the Person having the Control of the Burial Ground knowingly permit any Coffin to be buried in any Grave in which there is not left after the Burial thereof *Thirty-six Inches* at the least of Soil, measuring from the ordinary Surface of such Burial Ground to the upper Side of the Coffin, the Person having the immediate Charge of the Preparation of the Grave, and the Person having the Control of the Burial Ground in which such Burial is made, shall for every such Offence be liable to a Penalty not exceeding *Five Pounds.*

No Interment in any Grave without leaving 36 Inches clear of Soil above the Coffin.

350. The Commissioners may, if, for the Purpose of preventing the Evils occasioned by the Retention of the Dead in the Dwellings of the Poor or otherwise, they shall think fit, provide, fit up, and make Byelaws with respect to the Management and Charges for the Use of, Rooms or Premises in which Corpses may be received and decently and carefully kept previously to Interment; and the Commissioners may, upon Application, and subject to such Regulations and at such Rates and Charges as shall be prescribed by any such Byelaws,

Power to provide Premises for the Reception of the Dead previously to Interment.

PART V. General Police Regulations. Sect. 14.

Byelaws, make all necessary Arrangements for the decent and economical Interment of any Corpse which may have been received into any Rooms or Premises so provided in pursuance of this Enactment.

Burial Grounds, &c. dangerous to Health may be prohibited.

351. If, upon an Application by the Commissioners, and after Evidence to his Satisfaction that there is sufficient Ground to justify the Conclusions of such Application, the Sheriff shall certify (such Certificate to be published in the Edinburgh Gazette, and in some One or more of the public Newspapers usually circulated within the Burgh,) that any Burial Ground situate within the Burgh is in such a State as to be dangerous to the Health of Persons living in the Neighbourhood thereof, or that any Church or other Place of Public Worship within the Burgh is dangerous to the Health of Persons frequenting the same, by reason of the surcharged State of the Vaults or Graves within the Walls of or underneath the same, and that sufficient Means of Interment exist within a convenient Distance from such Burial Ground, Church, or Place of Public Worship, it shall not be lawful, after a Time to be named in such Certificate, to bury or permit or suffer to be buried any further Corpses or Coffins in, within, or under the Ground, Church, or Place of Worship to which the Certificate relates, except in so far as may be allowed by such Certificate; and whosoever, after Notice of such Certificate, buries, or causes, permits, or suffers to be buried, any Corpse or Coffin contrary to this Enactment, shall for every such Offence be liable to a Penalty of *Twenty Pounds.*

As to Interments within Churches or Burial Grounds newly erected or formed.

352. No Vault or Grave shall be constructed or made within the Walls of or underneath any Church or other Place of Public Worship built in the Burgh after the Adoption of this Act with respect to Burial Grounds and Interments, and no Burial Ground shall be made or formed within any District after the Adoption of this Act without the Consent of the Sheriff first had and obtained, unless the same be made or formed upon Land purchased or authorized by Parliament to be appropriated for the Purpose of being used as a Burial Ground before such Adoption of this Act; and whosoever shall bury, or cause, permit, or suffer to be buried, any Corpse or Coffin in any Vault, Grave, or Burial Ground constructed, made, or formed contrary to this Enactment, shall for any such Offence be liable to a Penalty not exceeding *Fifty Pounds*, which may be recovered by any Person, with full Costs of Suit, in an Action of Debt.

Grounds for Burials may be purchased in place of those closed.

353. It shall be lawful for the Commissioners to purchase or provide, for the Use of the Inhabitants of the Burgh, a suitable Piece or Plot of Ground for the Purpose of supplying the Place of such Burial Ground

Ground as it may be necessary to shut up; provided that the Commissioners shall not charge a higher Price on Fees for Graves or Interment in such new Ground than were previously paid in the old Burial Ground.

PART V. General Police Regulations. Sect. 15.

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PART V.

SECTION XV.—*Special Orders.*

Special Orders.

As to certain Matters authorized to be done by the Commissioners by special Order only.

354. Where by this Act the Commissioners are empowered to do any Thing by Special Order only, it shall not be lawful for them to do such Thing unless the Resolution to do the same have been agreed 10 to by the Commissioners in some Meeting whereof special Notice has been given, and has been confirmed in a subsequent Meeting held not sooner than Four Weeks after the preceding Meeting, and which subsequent Meeting has been advertised *once* at least in each of the Weeks intervening between the Two Meetings in some Newspaper 15 circulating within the Burgh, if any be, or otherwise in some Newspaper circulating in the County in which the Burgh is situated, and of which special Notice in Writing has been given to each of the Commissioners.

Final Resolution not to be carried into effect for One Month, nor then if a Majority of the Ratepayers remonstrate against the same.

355. Provided always, That after any Resolution has been con- 20 firmed in a subsequent Meeting as aforesaid, the Commissioners shall not proceed to carry the same into effect until after the Expiration of *One Month* from the Date of such Second Meeting, and during such Month such Resolution shall be advertised *once* at least in each Week in such Newspaper as aforesaid, and public Notice thereof shall also 25 be given by means of Placards posted in public Places within the Burgh, and Reference shall, in such Advertisement and Notice, be made to some Place provided by the Commissioners where the Plan or Particulars of the Work or Matter to which such Resolution relates may be gratuitously seen by the Ratepayers; and if before the 30 Expiration of such Month a Remonstrance in Writing against carrying into effect such Resolution or any Part thereof, signed by a Majority of the Ratepayers having Votes in the Election of the Commissioners, be presented to the Commissioners, such Resolution, or such Part thereof as such Remonstrance applies to, shall not be 35 carried into effect; and where any such Remonstrance applies to Part only of any such Resolution, the Commissioners may either carry into effect the Remainder of such Resolution, or rescind the same, as they think fit.

Places for public Recreation;

356. The Commissioners may, by Special Order, as herein defined, 40 but not otherwise, purchase, rent, or otherwise provide Lands, Grounds, or other Places, either within the Burgh or at a reasonable

PART V. General Police Regulations. Sect. 15.

Distance therefrom, not exceeding *Three* Miles from the Centre of the principal Market Place, if any, or from the principal Office of the Commissioners, to be used as a Pleasure Ground or Place of Public Resort or Recreation; and the Commissioners may from Time to Time level, drain, plant, and otherwise lay out and improve any such public Lands or Grounds, for the more convenient Use and Enjoyment thereof.

and public Bathing Places and Drying Grounds.

357. The Commissioners may from Time to Time, by Special Order, as herein defined, but not otherwise, purchase, rent, or otherwise provide, either within the Burgh, or at a reasonable Distance therefrom, suitable and convenient Premises to be used for public Baths and Wash-houses, and public open Bathing Places, and public Drying Grounds, for the Use and Accommodation of the Inhabitants within the Burgh in washing and drying Clothes and other Articles, and may fit up the same respectively with all requisite and proper Conveniences, and from Time to Time enlarge, renew, and repair the same respectively, and afford the Use thereof respectively to such Inhabitants, at such reasonable Charges and under and subject to such Regulations as the Commissioners may deem expedient; and every Person who offends against any such Regulations shall be liable to a Penalty not exceeding *Forty Shillings* for every Offence.

Proportion of Baths for the Working Classes.

358. Provided always, That the Number of Baths for the Use of the Working Classes in any Building provided by the Commissioners shall not be less than *twice* the Number of the other Baths of any higher Class.

Charges for the Use of Baths.

359. The Commissioners may from Time to Time make such reasonable Charges for the Use of such Baths, Bathing Places, Wash-houses, and Drying Grounds as they think fit.

Recovery of Charges for the Use of Baths, &c.

360. For the Recovery of the Charges at such Wash-houses and Drying Grounds, the Officers, Servants, and others having the Management thereof may, at the Period of using the same, or at any subsequent Time, detain the Clothes or other Goods and Effects, in or upon any such Wash-house or Drying Ground, of any Person refusing to pay the Charge to which such Person may be liable, or any Part thereof, till full Payment thereof be made; and in case such Payment be not made within *Seven Days*, the Commissioners may sell such Clothes, Goods, and Effects, or any of them, returning the surplus Proceeds of such Sale, after deducting the unpaid Charge and the Expenses of such Detention and Sale, and the unsold Articles, if any, on Demand, to such Person.

361. A

361. A printed Copy or sufficient Abstract of the Byelaws made by the Commissioners relating to the Use of such Baths, Bathing Places, and Wash-houses, so far as regards every such Bath, Bathing Place, or Wash-house, shall be put up in such Bath-room, Bathing Place, and Wash-house.

Publication of Byelaws in regard to Baths, &c.

362. Whenever any of such public Baths, Bathing Places, Wash-houses, or Drying Grounds are deemed by the Commissioners to be unnecessary or too expensive to be kept up, the Commissioners may, by Special Order, as herein defined, but not otherwise, discontinue the same, and sell the Lands, Buildings, and Materials for the best Price that can reasonably be obtained, and convey the same accordingly; and the Purchase Money shall be paid to the Treasurer of the Commissioners, and be disposed of as the Commissioners direct.

Sale of Baths, &c. on discontinuing them.

PART VI.

POWERS AND REMEDIES.

SECTION I.—*Byelaws to be made by virtue of this Act.*

Byelaws.

363. The Commissioners may from Time to Time make such Byelaws as they think fit for the several Police Purposes for which they are by this Act empowered to make Byelaws, and from Time to Time repeal, alter, or amend any such Byelaws, provided such Byelaws be not repugnant to the Law of Scotland, or the Provisions of this Act, and be reduced into Writing, and have affixed thereto the Signatures of Two of the Commissioners, and, if affecting other Persons than the Officers or Servants of the Commissioners, be confirmed and published as herein provided.

Byelaws.

364. The Commissioners, by the Byelaws so to be made by them, may impose such reasonable Penalties as they think fit, not exceeding *Forty Shillings* for each Breach of such Byelaws: Provided always, that such Byelaws be so framed as to allow the Magistrate before whom any Penalty imposed thereby is sought to be recovered to order the whole or in part only of such Penalty to be paid, or to remit the whole Penalty.

Byelaws may be enforced by Imposition of Penalties.

365. No Byelaw made by the Commissioners under the Authority of this Act, except such as relate solely to the Commissioners or their Officers or Servants, shall come into operation until the same be confirmed by the Sheriff; and it shall be incumbent on the Sheriff, on

Byelaws to be confirmed.

PART VI. Powers and Remedies. Sect. 1.

on the Request of the Commissioners, to inquire into any Byelaws tendered to him for that Purpose, and to allow or disallow the same as he may think meet.

Notice of Confirmation to be given.

366. No such Byelaws shall be confirmed unless Notice of the Intention to apply for a Confirmation of the same have been given in One or more Newspapers circulating within the Burgh, if any be, or otherwise in some Newspaper circulating in the County in which the Burgh is situated, *One Month* at least before the Hearing of such Application; and any Person desiring to object to any such Byelaw, on giving to the Commissioners Notice of the Nature of his Objection *Ten Days* before the Hearing of the Application for the Allowance thereof, may, by himself, or his Counsel or Agent, be heard thereon, but not so as to allow more than One objecting Party to be heard on the same Matter of Objection.

A Copy of proposed Byelaws to be open to Inspection.

367. For *One Month* at least previous to any such Application for confirmation of any Byelaw, a Copy of the proposed Byelaws shall be kept at the Principal Office of the Commissioners, and all Persons may at all reasonable Times inspect such Copy without Fee or Reward; and the Commissioners shall furnish every Person who applies for the same with a Copy thereof, or of any Part thereof, on Payment of *Sixpence* for every One hundred Words so to be copied.

Publication of Byelaws.

368. Such Byelaws, when confirmed, shall be printed; and the Clerk to the Commissioners shall deliver a printed Copy thereof to every Person applying for the same without Charge, or at a Charge not exceeding *One Penny;* and a Copy thereof shall be painted or placed on Boards, which shall be hung up on the Front or in some conspicuous Part of the principal Office of the Commissioners, and also on some conspicuous Part of the Works or Locality to which the same relate; and such Boards, with the Byelaws thereon, shall be from Time to Time renewed as Occasion requires, and shall be open to Inspection without Fee or Reward; and any such Clerk who does not allow the same to be inspected at all reasonable Times shall for every such Offence be liable to a Penalty not exceeding *Five Pounds.*

Byelaws to be binding on all Parties.

369. Such Byelaws, when so confirmed and published, shall be binding upon and be observed by all Parties, and shall be sufficient to justify all Parties acting under the same.

Evidence of Byelaws.

370. The Production of a written or printed Copy of the Byelaws requiring Confirmation by the Sheriff, authenticated by the Signature of the Sheriff who approved of the same, and a written or printed

printed Copy of the Byelaws not requiring such Confirmation, authenticated by the Signatures of Two Commissioners, shall be Evidence of the Existence and of the due making of such Byelaws in all Prosecutions under the same, without adducing Proof of the Signature or Signatures of the Sheriff or Commissioners; and with respect to the Proof of the Publication thereof, it shall be sufficient to prove that a Board containing a Copy thereof was affixed and continued in the Manner by this Act directed, and in case of its being afterwards displaced or damaged that such Board was replaced or restored as soon as conveniently might be, unless Proof be adduced by the Party complained against that such painted Board did not contain a Copy of the Byelaw under which he is prosecuted, or that it was not duly affixed or continued as required by this Act.

PART VI. Powers and Remedies. Sect. 2.

371. Any Person who destroys, pulls down, injures, or defaces any Board on the Premises of the Commissioners, on which any Byelaw of the Commissioners is painted or placed, shall for every such Offence be liable to a Penalty not exceeding *Five Pounds*.

Penalty on pulling down Boards.

PART VI.

SECTION II.—*Borrowing of Money for the Police Purposes of this Act.*

Borrowing of Money.

372. It shall be lawful for the Commissioners to borrow and take up, for the Purpose of procuring Police Offices, erecting Slaughter-houses or Weigh-houses, or for erecting Lamps, or for procuring or supplying Water or Gas, or for procuring Fire Engines, or for any of the other Purposes of this Act, such Sum or Sums and at such Time or Times as the Commissioners shall deem necessary for such Purposes: Provided always, that in all Cases where it shall be necessary to borrow any Sum or Sums for the Purposes of this Act, it shall be lawful for the Commissioners, and they are hereby authorized and required, at their first Annual Meeting for Assessment after such borrowing, if the Rate of Assessment then leviable do not amount to the maximum Rate by this Act authorized, to assess all Occupiers of Premises within the Burgh liable in the Police Assessment under this Act in such additional Assessment beyond the Sum necessary for the Purposes of this Act as will produce a Fund equal to *Five* per Centum per Annum upon the Sum or Sums so borrowed, and also to the annual Interest of such borrowed Sum or Sums, which Sum of *Five* per Centum per Annum the Commissioners shall annually appropriate, set apart, and invest, at the highest Rate of Interest which can be had for the same, in the Public Funds, or in any chartered or other Bank, or on Heritable Security, as a Sinking Fund, applicable and to be applied by the Commissioners from Time to

Power to Commissioners to borrow Money for the Purposes of this Act.

PART VI. Powers and Remedies. Sect. 2.

to Time to the Repayment of the Money borrowed until the Debt shall be extinguished: Provided always, that such additional Assessment shall at no Time increase the whole Assessment leviable beyond the maximum Rate of Assessment of *Two Shillings and Sixpence* per Pound Sterling, or *One Shilling and Sixpence* per Pound Sterling, as the Case may be, allowed by this Act; and provided also, that no Sum of Money shall be borrowed until an Estimate of the Amount required shall have been laid before the Commissioners, or until the Expiration of *Six Weeks* after public Notice shall have been given by the Commissioners of the Amount so proposed to be borrowed, and the Purpose to which the borrowed Money is to be applied, in some Newspaper in ordinary Circulation within such Burgh; and provided further, that the Proposal to borrow shall be disposed of at the next Meeting of the Commissioners *Six Weeks* after such public Notice, and that the Sum borrowed shall not exceed the Amount so advertised, without a further Estimate and Notice in manner above provided.

Commissioners not to be personally liable.

373. No Commissioner or Officer acting under the Commissioners shall be personally liable for the Repayment of any Money so borrowed, but all such Obligations shall be deemed and taken to be granted on the sole Security of the Rates and Assessments authorized to be assessed and levied as herein-before provided.

As to Bonds to be granted.

374. All Bonds for Monies to be borrowed as aforesaid shall be signed by the Treasurer or Collector of the Commissioners, in Presence of Two of the said Commissioners, who shall sign as Witnesses thereto, and shall be in the Form and Tenor following; videlicet,

'Number [*here state the Number*].

'BY virtue of an Act made in the Year of the Reign 'of Her Majesty Queen Victoria, intituled "An Act" [*specify this* 'Act], I *A.B.* [*state whether Treasurer or Collector, or both*] of the 'Commissioners of Police for the Burgh of [*insert the Name of the* 'Burgh], and by Authority of the said Commissioners, in consider- 'ation of the Sum of [*insert the Sum in Words*] instantly advanced 'and paid to me on account of the said Commissioners, and for the 'Purposes of the said Act, by *C.D.* of *E.*, do hereby bind and 'oblige the said Commissioners for the Time being, out of the first 'and readiest of the Monies to be raised under the annual Assess- 'ments by the said Act authorized to be imposed and levied, to pay 'at the Term of [*insert Term of Payment*] to the said *C.D.*, his 'Executors or Assignees, the said Sum of [*state the Sum*], and also 'the Interest thereof at the Rate of [*insert the Rate of Interest*] per 'Centum per Annum from the Date hereof, at the Terms of Whit- 'sunday and Martinmas in each Year, till the said Sum is paid; and

'for

'for the further Security of the said *C.D.* I do hereby assign to him, 'his Executors or Assignees, such Proportion of the said Monies to 'be raised under the said annual Assessment as shall be equivalent 'to the said Sum now paid to me, and the Interest thereon as afore-
5 'said from the Date hereof to the Term of Payment; and I consent 'to the Registration hereof in the Books of Council and Session, or 'others competent, for Preservation, and that all competent Diligence 'may pass and be directed hereon, in Form as effeirs, and thereto 'constitute my Procurators. In witness whereof
10 '[*insert Testing Clause in common Form*].

'*K.L.*, Commissioner. *A.B.*'

'*M.N.*, Commissioner.'

And till Repayment such Bonds respectively shall form a Lien on the Rates and Assessments under this Act assigned by such Bond,
15 and shall entitle the Creditor under the same to recover the Contents thereof from the Commissioners and their Officers out of the first and readiest of such Rates and Assessments.

375. Such Bonds may be assigned by Indorsation on the Back thereof in the Form and Tenor following; videlicet,

Bonds may be transferred by Indorsement.

20 'I *C.D.*, within designed, do transfer this Bond, with all Right, 'Title, or Interest which I have under the same, to *E.F.*, his [*or* 'her, *or* their, *as the Case may be*,] Executors and Assignees. In 'witness whereof [*insert Testing Clause in common Form*]. *C.D.*'

'*K.L.*, Witness.

25 '*M.N.*, Witness.'

376. Before such Bond shall be delivered to the Creditor, or shall form a valid Lien on the Rates and Assessments as aforesaid, the same shall be recorded in the Sederunt Book of the Commissioners, and a Certificate of such Registration shall be indorsed on such Bond, and
30 signed by the Clerk of the Commissioners; and such Assignations shall be notified to the Treasurer of the Commissioners, who shall enter in the said Sederunt Book the Date of the said Assignation, the Names of the Parties thereto, the Number or Mark of such Bond, and the Interest due on the same; and a Certificate of such Entry
35 shall be indorsed on the said Bond, and signed by the Treasurer, and the said Bond, being so certified, the Assignee, his Executors and Assignees, shall thereafter be entitled to the full Benefit of such Bond, in Terms of such Assignation.

Bonds to be recorded, and Assignations to be registered.

PART VI.

40 SECTION III.—*Purchase and Acquisition of Lands.*

377. The Clauses of "The Lands Clauses Consolidation (Scotland) Act, 1845," with respect to the Purchase and Sale of Lands, and

Incorporation of Lands Clauses Act.

PART VI. Powers and Remedies. Sect. 4.

and to Purchase Money or Compensation, are hereby incorporated in this Act, and the Expression "Promoters of the Undertaking" therein contained shall mean, extend to, and include the Commissioners for the Purposes of this Act.

Rights of Heritable Property how to be taken.

378. The Rights of all Heritable Property to be acquired in the Execution of this Act shall be taken in favour of the Clerk of the Commissioners for the Time, and his Successors in Office; and such Rights shall be sufficient for vesting the Subjects in the Commissioners and their Successors in Office. 5

PART VI. 10

SECTION IV.—*Execution of Works by Commissioners.*

Commissioners empowered to enter upon Premises for Purposes of this Act.

379. The Commissioners shall for the Police Purposes of this Act have Power, by themselves or their Officers, to enter at all reasonable Hours in the Daytime into and upon any Premises within the Burgh, as well for the Purpose of Inspection as for the Purpose of executing any Work authorized to be executed by them under this Act, without being liable to any legal Proceedings on account thereof: Provided always, that, except when herein otherwise provided, the Commissioners or their Officers shall not make any such Entry, unless with the Consent of the Occupier, until after the Expiration of *Twenty-four Hours* Notice for that Purpose given to the Occupier. 15 20

Penalty on Persons obstructing Commissioners or Constables in their Duty.

380. Every Person who shall at any Time obstruct the Commissioners, or shall resist, obstruct, or molest any Constable, Officer, Watchman, Workman, or other Person employed in the Execution of any Duty or the Performance of any Work, by virtue of this Act, or of any Warrant of the Magistrates, or any of them, or of any Bye-law, Regulation, or Order of the Commissioners, or shall aid or incite any Persons so to do, such Person so offending shall for every such Offence be liable to a Penalty not exceeding *Five Pounds*; and if any Person shall assault or strike any such Constable, Officer, Watchman, Workman, or other Person employed as aforesaid, or aid or incite any Person to rescue or attempt to rescue any Prisoner whom any such Constable, Officer, Watchman, or other Person shall have in Custody, or be aiding to secure such Person so offending, shall for every such Offence be liable to a Penalty not exceeding *Ten Pounds*, without Prejudice to any Constable, Watchman, or other Person on whom such Assault or Offence may have been committed to sue in any competent Court for Compensation, Damages, or Expenses for any Injury or Loss he may thereby have sustained. 25 30 35

381. *Twenty-*

381. *Twenty-eight* Days at the least before fixing the Level of any Street which has not been theretofore levelled or paved, and before making any Sewer where none was before, or altering the Course or Level of or abandoning or stopping any Sewer, the Commissioners shall give Notice of their Intention by posting a printed or written Notice in a conspicuous Place at each End of every such Street through or in which such Work is to be undertaken, which Notice shall set forth the Name or Situation of the Street intended to be levelled or paved, and the Names of the Places through or near which it is intended that the new Sewer shall pass, or the existing Sewer be altered or stopped up, and also the Places of the Beginning and the End thereof, and shall refer to the Plans of such intended Work, and shall specify a Place where such Plans may be seen, and a Time and Place where all Persons interested in such intended Work may be heard thereupon.

Commissioners to give Notice of new Levels or Sewers.

382. The Commissioners shall meet at the Time and Place mentioned in the said Notice, to consider, in the Presence of the Surveyor of the Commissioners, any Objections made against such intended Work, and all Persons interested therein, or likely to be aggrieved thereby, shall be entitled to be heard before the Commissioners at such Meeting; and thereupon the Commissioners may, in their Discretion, abandon or make such Alterations in the said intended Work as they judge fit; and no such Work to which any Objection is made at such Meeting shall be executed unless the Surveyor of the Commissioners, after the Person making such Objection, or his Agent, has been heard, certify that the Work in his Judgment ought to be executed, nor shall such Work be begun until the End of *Seven Days* after an Order for the Execution thereof has been duly made by the Commissioners, and entered in their Books.

Meeting of Commissioners to hear Objections.

383. Any Person liable to pay or to contribute towards the Expense of any of the Works aforesaid, or otherwise aggrieved by any Order of the Commissioners relating thereto, may, at any Time within *Seven Days* next after the making of any such Order, give Notice in Writing to the Commissioners that he intends to appeal against such Order to the Sheriff, and along with such Notice he shall give a Statement in Writing of the Grounds of the Appeal; and if within *Four Days* next after giving such Notice the Party grant Bond to the Sheriff, with Two sufficient Cautioners to the Satisfaction of the Sheriff, to abide the Order of the Sheriff, and pay such Costs as shall be awarded by the Sheriff thereupon, the Work so appealed against shall not be begun until after the Judgment of the Sheriff upon such Appeal; and the Sheriff, upon due Proof of such Notice, and upon such Caution being found, shall hear and determine the Matter of the

Persons aggrieved by Orders of Commissioners may appeal to the Sheriff.

PART VI. Powers and Remedies. Sect. 5.

Appeal, and shall make such Order thereon, either confirming, quashing, or varying the same, and shall award such Costs to either of the Parties, as the Sheriff, in his Discretion, thinks fit: Provided always, that the Appellant shall not be heard in support of such Appeal unless such Notice and Statement have been given and such Caution found as aforesaid, nor, on the Hearing of such Appeal, shall he go into Evidence of any other Grounds of Appeal than those set forth in such Statement as aforesaid.

Notice to be given by Commissioners, and Appeal to the Sheriff.

384. And in respect to Appeal as to all other Matters and Things which the Commissioners are by the Police Provisions of this Act empowered to do or perform, or to authorize to be done or performed, and the Cost attending which is by this Act directed to be provided for by way of Private Improvement Assessment, the Commissioners shall, where not otherwise hereby directed, give Notice of their Intention to do or perform or to authorize to be done or performed such Matter or Thing, either by public Advertisement in some Newspaper circulating in the Burgh or in the County in which the Burgh is situated, or by posting Handbills in conspicuous Places in the Burgh, or by Notice in Writing to be transmitted through the Post Office, or delivered personally, or at their Dwelling Houses, to the Individuals having Interest, as the Commissioners shall think proper; and it shall be lawful for any Person whose Property shall be taken or affected, and who shall consider himself injured or aggrieved in respect of such other Matters and Things by this Act so directed to be done or performed and provided for, to appeal to the Sheriff from any Order made or Notice given by the Commissioners in respect of such Matters or Things, in the Manner and to the Effect herein last before provided and directed; and if such Matter or Thing shall not be made the Subject of Appeal to the Sheriff, or being appealed shall be allowed by him, the Commissioners may proceed with the same, and levy the Assessments in reference thereto authorized by this Act: Provided always, that the Decision of the Sheriff shall in all Cases be final and conclusive, and not subject to Review by Suspension, Reduction, or Advocation, or in any manner of way.

Decision of the Sheriff to be final.

PART VI.

SECTION V.—*Execution of Works by Owners.*

As to Service of Notice on Owners and Occupiers.

385. Where under this Act any Notice is required to be given to the Owner or Occupier of any Premises in reference to the Police Purposes of the Act, such Notice, addressed to the Owner or Occupier thereof, as the Case may require, may be served on the Occupier of such Premises, or left with some Inmate of his Abode, or, if there be no Occupier, may be put up on some conspicuous Part of such Premises;

Premises; and it shall not be necessary in any such Notice to name the Occupier or the Owner of such Premises: Provided always, that when the Owner of any such Premises and his Residence are known to the Commissioners, it shall be the Duty of the Commissioners, if 5 such Owner be resident within the Burgh, to cause every Notice required to be given to the Owner to be served on such Owner, or left with some Inmate of his Abode; and if such Owner be not resident within the Burgh, they shall send every such Notice by Post, addressed to the Residence of such Owner.

Commissioners, in default of Owner or Occupier, may execute Works, and recover Expenses.

10 **386.** Whenever, under the Police Provisions of this Act, any Work of any Kind is required to be executed by the Owner or Occupier of any Premises, and Default is made in the Execution of such Work, the Commissioners may cause such Work to be executed, and the Expense incurred by the Commissioners in respect thereof shall 15 be repaid to them by such Owner or Occupier.

Occupier, in default of Owner, may execute Works, and deduct Expenses from his rent.

387. Whenever Default is made by the Owner of any Premises in the Execution of any Work by the Police Provisions of this Act required to be executed by him, the Occupier of such Premises may, with the Approval of the Commissioners, cause such Work to be 20 executed, and the Expense thereof shall be repaid to such Occupier by the Owner of such Premises, and such Occupier may deduct the Amount of such Expense out of the Rent from Time to Time becoming due to such Owner.

How Expenses are to be recovered from Owner.

388. If the Owner of any Premises made liable by the Police 25 Provisions of this Act for any Rate, Assessment, or Charge for the Repayment to the Commissioners of any Expenses incurred by them, do not, as soon as the same become due and payable from him, pay such Rate, Assessment, or Charge, or repay all such Expenses to the Commissioners, the Commissioners may recover such Rate, Assess- 30 ment, Charge, or Expenses, with the legal Interest thereof from the Time when the same was due and payable, from such Owner, in the same Manner as any Debt may be recovered by the Law and Practice of Scotland: Provided always, that such Rate, Assessment, Charge, or Expenses, and Interest, and any Part thereof remaining unpaid, 35 shall remain and rank as a preferable Real Burden on the whole Premises in respect of which they became due, until paid.

Power to levy Charges on Occupier, who may deduct the same from his Rent.

389. The Commissioners may, by way of additional Remedy, require the Payment of all or any Part of such Rate, Assessment, Charge, or Expenses, and Interest, payable by the Owner for the 40 Time being from the Person who then or at any Time thereafter occupies any such Premises under such Owner; and in default of

PART VI. Powers and Remedies. Sect. 5.

Payment thereof by such Occupier, on Demand, the same may be levied by Seizure and Sale of the Goods and Effects of such Occupier, in the same Manner as the Police Assessment may be recovered from him under this Act; and every such Occupier shall be entitled to deduct from the Rent payable by him to his Landlord so much as is so paid by or recovered from him in respect of any such Assessment, Charge, or Expenses and Interest.

Occupier not to be liable for more than the Amount of Rent due.

390. Provided always, That no Occupier of any Premises shall be liable to pay more Money in respect of any Sums charged by this Act on the Owner thereof than the Amount of Rent due from him for the Premises in respect of which such Rate, Assessment, Charge, or Expenses and Interest are payable at the Time of the Demand made upon him, or which at any Time after such Demand, and Notice not to pay the same to his Landlord, have accrued and become payable by him, unless he neglect or refuse, upon Application made to him for that Purpose by the Commissioners, truly to disclose the Amount of his Rent, and the Name and Address of the Person to whom such Rent is payable; but the Burden of Proof that the Sum demanded of any such Occupier is greater than the Rent which was due by him at the Time of such Demand, or which has since accrued shall lie upon such Occupier: Provided further, that nothing herein contained shall be taken to affect, abridge, or alter any Claim of Relief or otherwise competent to such Owner or Occupier respectively against each other under any special Contract made between them respecting the Payment of the Expenses of any such Works as aforesaid.

Commissioners may allow Time for Repayment by Owners of Improvement Expenses.

391. Where any such Rate, Assessment, Charge, or Expenses payable to the Commissioners by any Owner of any such Premises amount to more than Half the Amount of the net annual Value of such Building or Lands, the Commissioners may, if they think fit, at the Request of any such Owner, allow Time for the Repayment thereof, and receive the same by such Instalments as they, under the Circumstances of the Case, consider reasonable, but so that the same be repaid by annual Instalments of not less than *One Seventh* Part of the whole Sum originally due, with Interest for the Principal Money from Time to Time remaining unpaid after the yearly Rate of *Five Pounds* in the Hundred during the Period of Forbearance; and all such Sums remaining due, notwithstanding the Commissioners have agreed to allow any Time for the Repayment thereof as aforesaid, shall from Time to Time, at the Expiration of the several Times so allowed for Repayment thereof, be recoverable in like Manner as such respective Amounts would have been recoverable if no such Time had been allowed for Repayment thereof.

392. If

PART VI. Powers and Remedies. Sect. 5.

Proceedings in case of Tenants opposing the Execution of this Act.

392. If the Occupier of any Premises within the Burgh prevent the Owner thereof from carrying into effect in respect of such Premises any of the Police Provisions of this Act, after Notice of his Intention so to do has been given by the Owner to such Occupier, the Magistrate may make an Order in Writing requiring such Occupier to permit the Owner to execute all such Works with respect to such Premises as may be necessary for carrying into effect the Provisions of this Act; and if after the Expiration of *Ten Days* from the Date of such Order such Occupier continue to refuse to permit such Owner to execute such Works, such Occupier shall for every Day during which he so continues to refuse be liable to a Penalty not exceeding *Five Pounds;* and every such Owner, during the Continuance of such Refusal, shall be discharged from any Penalties to which he might otherwise have become liable by reason of his Default in executing such Works.

Respecting existing Contracts for building.

393. Nothing in this Act contained shall extend to avoid any Agreement in Writing entered into before the Adoption of this Act for erecting or altering any Building, but the same shall be performed, with such Alterations as may be rendered necessary by this Act, and as if such Alterations had been stipulated for in such Agreement; and the Difference between the Cost of the Work according to the Agreement and the Cost of such Work as executed according to the Provisions of this Act shall be ascertained by the Parties to the respective Agreements, and paid for or deducted, as the Case may require; and if the said Parties do not agree upon the Amount of such Difference, the same shall, on the Request of either Party (Notice being given to the other), be decided by the Surveyor to the Commissioners, and for his Trouble in making such Decision each of the said Parties shall pay to the said Surveyor such Sum, not exceeding *One Pound*, and to be disposed of for such Purposes of this Act, as the Commissioners shall direct.

Respecting Contracts for Leases.

394. Nothing in this Act contained shall affect any Lease or Agreement for a Lease whereby any Person may be bound to erect Buildings upon any Building Ground within the Burgh, but the Buildings mentioned in such Lease or Agreement shall be built, according to the Conditions which may be rendered necessary by this Act, in the same Manner as if this Act had been adopted and in operation at the Time of making such Lease or Agreement, and the same had been made subject thereto, and that without either Party being entitled to any Compensation.

Part VI. Powers and Remedies. Sect. 6.

PART VI.

Section VI.—*Jurisdiction, and Recovery of Penalties.*

Jurisdiction of Magistrates of Police under this Act.

395. The Magistrates of Police of a Burgh under this Act, or any One or more of such Magistrates, shall have Jurisdiction and Power to take cognizance of all Crimes, Offences, Misdemeanors, and Breaches of the Police Regulations herein-before contained, or of any Byelaw made in virtue of the Police Provisions of this Act, and generally in all Police Matters arising in such Burgh under this Act, and shall have all such and the like Jurisdiction within such Burgh as any Magistrate of a Royal Burgh, or any Dean of Guild of a Royal Burgh, has by the Law of Scotland within the Royal Burgh in or for which he acts as such Magistrate or Dean of Guild.

Magistrates of Police may appoint Procurator Fiscal.

396. It shall be lawful for the Magistrates under this Act to appoint from Time to Time, by Writing and during Pleasure, the Superintendent of Police or other fit Person to be Procurator Fiscal, for the Purposes of this Act, of the Burgh in which they are Magistrates, and such Procurator Fiscal shall within such Burgh have all such and the like Powers and Privileges as by Law appertain to any Procurator Fiscal by the Law of Scotland.

Interim Fiscal.

397. In the temporary Absence of the Procurator Fiscal so to be appointed, occasioned by Indisposition or other Cause, it shall be lawful for the Magistrate of Police presiding in the Police Court to appoint a fit Person to perform ad interim the Duties of such Procurator Fiscal, in the Name of such Procurator Fiscal, or in the Name of the Person so appointed ad interim, and to insist in any Proceedings which may have been commenced in the Name of such Procurator Fiscal.

Forms of Procedure in Police Court.

398. All Actions, Prosecutions, and Proceedings before the Magistrates of Police, for Crimes and Offences committed within the Burgh, or for the Recovery of Fines, Penalties, Forfeitures, or Expenses under the Police Provisions of this Act, the Mode of recovering which is not herein otherwise provided for, shall be sued for in the Police Court, at the Instance of the Procurator Fiscal, to be appointed as herein authorized; and (with the Exception of Complaints against Chain Droppers, Thimblers, loaded Dice Players, and Offenders of that Description,) such Complaint, in all Cases of Theft or of Reset of Theft, or of Falsehood, Fraud, and wilful Imposition, or of Breach of Trust and Embezzlement, shall bear that the Sum of Money or the Value of the Article stolen, resetted, obtained by Falsehood, Fraud, and wilful Imposition, or embezzled, does not exceed

exceed *Ten Pounds;* and it shall not be competent thereafter to the Person accused (except where an Offer shall be made at the Time) to prove that the Money or Article stolen, resetted, obtained, or embezzled exceeded in Value the Sum of *Ten Pounds;* and the whole Procedure before such Magistrates or any of them shall be conducted summarily, vivâ voce, and without written Pleadings; and no other Record shall be kept of the Proceedings except the Complaint and the Judgment pronounced thereon; and it shall not be competent to any Party who shall appear to answer to any Complaint to plead Want of due Citation, or Informality in the Warrant, Citation, or Execution.

Forms of Procedure to be framed.

399. The Magistrates of Police, with the Advice and Approbation of the Lord Justice General and the Lord Justice Clerk for the Time being, shall and they are hereby authorized and required, when necessary, to frame Rules and Regulations and Forms of Procedure calculated to despatch such Business in the easiest and most expeditious Manner, and from Time to Time to alter and amend the same, in order that the Provisions of this Act may be carried into full Execution.

Certain Crimes not competent to be taken cognizance of in the Police Court.

400. If it shall appear, either in the preliminary Investigation of the Charges against any Person accused of having committed any Crime, Delinquency, or Offence within the Burgh, or during his Trial before the Magistrate, that such Person has been guilty of or is charged with any of the Crimes denominated the Pleas of the Crown, (videlicet,) Murder, Robbery, Rape, and wilful Fire-raising, or with the Crimes of Stouthrief, or of Theft by Housebreaking, or of Housebreaking with Intent to steal, or of Theft to an Amount exceeding *Ten Pounds*, or of Theft by opening lockfast Places, or of Theft aggravated by being Habit and Repute a common Thief, or by having been twice previously convicted of Theft, or of Reset of Theft, to an Amount exceeding *Ten Pounds*, or of Reset of Theft aggravated by having been twice previously convicted of that Crime, or of Falsehood, Fraud, and wilful Imposition to an Amount exceeding *Ten Pounds*, or of Falsehood, Fraud, and wilful Imposition aggravated by having been twice previously convicted of that Crime, or of Breach of Trust and Embezzlement to an Amount exceeding *Ten Pounds*, or of Breach of Trust and Embezzlement aggravated by having been twice previously convicted of that Crime, or of Assault to the Danger of Life, or of Assault whereby any Limb has been fractured, or of Assault with any Knife or other lethal Instrument where Effusion of Blood has followed, or of Assault aggravated by Two previous Convictions for that Crime, or of Assault with Intent to ravish, or of Attempt at wilful Fire-raising, or of culpable Homicide, or

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of Forgery, or of uttering forged Bank or Banker's Notes, it shall not be competent for the Procurator Fiscal, or those acting under or for him, to insist in a Prosecution against such Person before the Magistrate, but the Magistrate shall commit the Person accused to Prison for Examination, and the Procurator Fiscal or Superintendent of Police shall forthwith give Notice of such Commitment to the Procurator Fiscal of the County in which the Offence shall be charged to have been committed, in order that such Person may be proceeded against conformably to Law: Provided always, that the aforesaid Provision shall not apply to Chain Droppers, Thimblers, loaded Dice Players, and Offenders of that Description, whom the Magistrate is hereby specially empowered to try and sentence, whatever may be the Amount of the Sum specified in the Charge against them, or however often they may have been previously convicted.

Officers or Owners of Property on which Offences are committed may take Offenders into Custody.

401. Any Person found committing any Offence punishable either by Indictment or criminal Libel, or upon summary Conviction, under this Act, may, without a Warrant, be taken into Custody by any Police Constable, or be apprehended by the Owner of the Property on or with respect to which the Offence shall be committed, or by his Servant or any Person authorized by him, and may be detained until he can be delivered into the Custody of a Police Constable, and the Person so arrested shall be taken as soon as conveniently may be before some Magistrate, to be examined and dealt with according to Law; and any Police Constable may search any Premises, and may also stop, search, and detain any Vessel, Boat, Cart, or Carriage in or upon which there shall be Reason to suspect that anything stolen or unlawfully obtained, or fraudulently carried away, may be found, and also any Person who may be reasonably suspected of having or carrying in any Manner anything stolen or fraudulently obtained or carried away.

Horse, Carriage, or Vessel of Persons taken into Custody may be secured.

402. When any Person having charge of any Horse, Cart, Carriage, Vessel, or Boat, or any Animal or Thing, shall be taken into the Custody of any Constable, under the Provisions of this Act, it shall be lawful for any Constable to take charge of such Horse, Cart, Carriage, Vessel, or Boat, or Animal or Thing, and to deposit the same in some Place of safe Custody, as a Security for Payment of any Expenses which may have been necessarily incurred for taking charge of and keeping the same; and unless the same shall be claimed by the Owner, and all Expenses incurred thereon paid, within *Four Days* after such Detention, it shall be lawful for any Two Magistrates to order the Sale of any such Horse, Cart, Carriage, or Boat, or any Animal or Thing, so detained, and the Proceeds of such Sale to be applied

applied towards the necessary Expenses incurred, the Overplus, if any, being paid to the Owner.

Limitation of Police Prosecutions.

403. All Actions, Prosecutions, or Proceedings for Recovery of Fines, Penalties, Forfeitures, or Expenses by virtue of the Police Provisions of this Act shall be commenced within *Six Months* from the Time the Facts on which such Actions, Prosecutions, or Proceedings were brought shall have been discovered and known, and not thereafter; and if any Party, when called to answer any such Action, Prosecution, or Proceeding, shall not in limine object on the Ground of Misnomer or Informality, it shall not be competent afterwards on such Ground to challenge the Procedure.

Superintendent in certain Cases may accept of Bail or Deposit.

404. Upon the Apprehension of any Person charged with any Offence under this Act, or with any Crime which may be competently tried before the Magistrate, it shall be lawful for the Superintendent or other Officer of Police having charge in Absence of the Superintendent to accept of Bail or Deposit that such Person shall appear for Trial before the Magistrate at some Time and Place to be specified, and at all after Diets of Court, and to liberate the Person so apprehended upon Bail being found to an Amount not exceeding *Twenty Pounds*, or upon the Deposit of any Money or Article of Value to the Amount of the Bail fixed; and the Superintendent or other Officer of Police, if Deposit be accepted, shall enter the same in a Book to be kept for the Purpose, and grant an Acknowledgment for the Money or Article so deposited: Provided always, that the Superintendent or other Officer of Police may refuse, if he see Cause, to accept of Bail in any Shape; and the Refusal to accept Bail or Deposit, and detaining the Person so apprehended until the Case of such Person is tried in the usual Form, shall not subject the Superintendent or other Officer of Police to any Claim for Damages, Wrongous Imprisonment, or Claim of any other Kind whatsoever.

Persons in Custody to be taken before the Magistrate.

405. Every Person who by virtue of this Act shall be taken into Custody, or who shall be detained in Custody, may be detained in the Police Office or Police Cells, and shall be taken before the Magistrate not later than in the course of the first lawful Day after he shall be taken into Custody; and if the Nature of the Crime or Offence charged shall admit of its being competently tried before the Magistrate under the Provisions of this Act, it shall be lawful for him to grant Warrant to commit such Offender to the Police Cells or to Prison, when remanded for affording Time to find Bail, or for further Examination, or for Trial, such further Examination or Trial always taking place as soon as Circumstances shall permit, and without any unnecessary Delay; or if the Crime or Offence charged shall in the

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Opinion of the Magistrate merit a higher or greater Punishment than he can lawfully award, it shall be lawful for him to commit such Offender to Prison for Examination; or if the Crime or Offence charged, from having been committed beyond the Limits of the Burgh, or from being otherwise excluded from the Jurisdiction of the Magistrate, falls to be tried in another Jurisdiction, it shall be lawful for the Magistrate to commit such Offender to Prison until disposed of according to Law; in either of which last Two Cases it shall be the Duty of the Superintendent of Police to give Notice of such Commitment to the Procurator Fiscal or other proper Officer for the City, County, Burgh, or other Jurisdiction within which the Crime or Offence was committed, in order that such Offender may be further proceeded with according to Law.

Authority to Officers to cite Parties and Witnesses.

406. This Act shall be a sufficient Authority to the Constables for citing a Party charged with any Offence against the Police Provisions of this Act, or of any Byelaw made in virtue thereof, or at Common Law, and for summoning any Witness to give Evidence in relation to the same; and it shall be deemed a legal Citation of such accused Party or Witness if the Citation be delivered personally, or left at his Dwelling House, or at the Hotel, Inn, Lodging House, or other Place in which he eats and sleeps (if no other Domicile can be found), or in the Shop, Warehouse, Counting-house, or other Place of Business occupied by him, or, in the Case of a Master of or Seaman or Party employed in any Ship or Vessel, in the Hands of a Person on board thereof and connected therewith, which Citation shall state the Nature of the Charge, and the Time and Place of Appearance.

Offenders removing from the Bounds of Police, how to be proceeded against.

407. Warrants granted by the Magistrate for apprehending or citing Persons charged under the Police Provisions of this Act with having committed Crimes and Offences, or for citing Witnesses for the Prosecutor or accused Parties when such Persons or Witnesses are beyond the Jurisdiction of the Magistrates of Police, shall be sufficient for apprehending or citing the Offenders and Witnesses within Scotland, and for conveying such Offenders as shall be taken into Custody in Terms of the Warrant to be dealt with according to Law, without the Necessity of such Warrants being backed or endorsed by any Magistrate other than the Sheriff of the County within which the same shall be so granted: Provided always, that the said Warrants shall be executed against the Persons therein mentioned, and the Witnesses shall be cited by a Constable acting under the Authority of the Police Provisions of this Act.

Examination of Witnesses.

408. Where from the Absence of Witnesses for the Prosecutor in any Complaint, or from any other Cause, it becomes necessary to adjourn

adjourn the Diet, and where Witnesses for the Accused in such Prosecutions are in attendance, it shall be lawful for the Magistrate, at the Request of the accused Person, and if the Magistrate in the Circumstances shall deem it proper, to take the Evidence of the Witnesses for the Accused before the Proof for the Prosecution has been led or concluded; but the Accused shall in all such Cases be entitled to lead additional Evidence after the Prosecutor's Case has been concluded.

Penalty in case of Witnesses failing to appear.

409. If any Person who shall be summoned as a Witness to give Evidence before the Magistrate, either on the Part of the Prosecutor or the Person accused, shall fail to appear at the Time and Place for that Purpose appointed, without a reasonable Excuse for such Failure, the Magistrate may cause such Person to be apprehended and committed to Prison until he finds Security to appear and give Evidence; and if such Person shall not be apprehended until after the Case on which he had been summoned to give Evidence has been disposed of by the Magistrate, and it shall appear to the Magistrate that his Non-compliance arose from a Desire on his Part to defeat the Ends of Justice, such Person so offending shall for every such Offence be liable to a Penalty not exceeding *Five Pounds*, or to be imprisoned for any Period not exceeding *Sixty Days:* Provided always, that Proof on Oath ahall be made that he had been duly summoned at least *Twenty-four* Hours before the Meeting of the Diet of Court at which he failed to appear.

Penalty in case of Witness refusing to give Evidence.

410. If any Person summoned as a Witness to give Evidence before the Magistrate, and appearing, shall refuse to be sworn or examined upon Oath, or, in case of a Quaker or other Person privileged by Law, to be examined upon solemn Affirmation, or, after having been sworn or having undertaken to affirm, shall refuse to give Evidence touching or concerning the Subject Matter of Complaint, the Magistrate shall cause such Person to be committed to Prison for any Period not exceeding *Sixty Days.*

Witnesses prevaricating may be punished summarily.

411. If any Person, when under Examination on Oath or solemn Affirmation before the Magistrate, shall prevaricate or wilfully conceal the Truth, it shall be lawful to the Magistrate, in open Court, and in a summary Manner, to adjudge the Person so offending to Imprisonment for any Term not exceeding *Sixty Days*, and the Sentence awarding such Imprisonment shall set forth the Nature of such Offence; and if any Person, when under Examination on Oath or solemn Declaration as aforesaid, shall wilfully or corruptly give false Evidence touching any Matter or Thing relating to the Case, or shall

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shall wilfully or corruptly swear or affirm any Matter or Thing which shall be false or untrue, although the Evidence be not recorded, every Person so offending, on being duly convicted thereof, shall be subject and liable to such Pains and Penalties as by Law Persons guilty of wilful and corrupt Perjury are liable to; and it shall be lawful to the Magistrate to remit such Person for Trial to a higher Criminal Tribunal, and for that Purpose to grant Warrant for his Imprisonment until disposed of according to Law. 5

Competency of Witnesses.

412. No Person shall be deemed an incompetent Witness to give Evidence in any Case under this Act by reason only of such Person being a Commissioner, or of his being liable to be assessed, or of his being employed in any Office under this Act. 10

In default of paying Fines Parties to be imprisoned.

413. In case any pecuniary Penalty, Fine, Forfeiture, or Expenses authorized by the Police Provisions of this Act shall not be immediately paid or consigned in manner after mentioned, it shall be lawful to the Magistrate to sentence the Person found liable in the same to be imprisoned till such Penalty be paid; but in no Case shall the Period of Imprisonment exceed *Sixty Days*. 15

Power to order Offenders to find Caution-ment or Fine;

414. It shall be lawful for the Magistrate, in lieu of any Punishment by Imprisonment or Fine, to ordain any Offender to find Caution for good Behaviour or for keeping the Peace for any Period not exceeding *Twelve Months*, and under a Penalty not exceeding Twenty Pounds, and to sentence the Person ordained to find such Caution to be imprisoned till Caution be found; but in no Case shall the Period of Imprisonment exceed *Sixty Days*. 20 25

or to find Caution in addition to Imprisonment or Fine.

415. It shall be lawful for the Magistrate, in addition to any Punishment by Imprisonment or Fine, to ordain the Offender to find Caution as aforesaid from and after the Expiry of the Term of Imprisonment, or from and after the Payment of the Fine or pecuniary Penalty specified in the said Sentence, or from and after the Expiry of the Term of Imprisonment for Nonpayment thereof; and in case such Caution shall not then be found, it shall be lawful to sentence the Person ordained to find such Caution to be further detained in Prison beyond the Expiry of the said Term of Imprisonment until such Caution be found; but in no Case shall the whole Period of Imprisonment, including the Period of Detention for not finding such Caution, exceed *Ninety Days*. 30 35

Warrant of Commitment.

416. In all Cases where Imprisonment takes place under the Powers of the Police Provisions of this Act, a short Extract of the Charge

Charge and Sentence, certified by the Clerk of the Police Court or his Depute, shall be a sufficient Warrant of Commitment: Provided always, that any Person sentenced to Imprisonment in consequence of Nonpayment of any pecuniary Fine, Penalty, Forfeiture, or Expenses, or for Want of Caution being found, or otherwise, may be detained in the Police Office or Police Cells for a reasonable Time to allow of such Extract being made, such Time not exceeding in any Case *Twelve Hours*.

Offenders may be punished summarily for Contempt of Court.

417. In Cases of Contempt of Court, or of resisting, assaulting, or obstructing the Officers of the Law when in attendance on the Police Court, it shall be competent for the Magistrate, either of his own Motion summarily, and without the Necessity of a Complaint or other Procedure, to punish the Offender by a Written Sentence, specifying the Offence, and inflicting a Fine not exceeding *Three Pounds*, or Imprisonment for any Period not exceeding *Twenty Days*, or to direct the Offender to be prosecuted after the ordinary Form at the Instance of the Procurator Fiscal, in which Case the same Forms shall be observed and the same Punishment may be inflicted as in the Case of Offences before the Magistrate: Provided always, that when the Magistrate proceeds to punish summarily he shall cause a Record to be kept containing a Statement of the Facts which have led to such Punishment.

Police Officers may be dismissed by the Magistrate.

418. It shall be lawful for the Magistrate, without the Necessity of any Complaint, to direct the Superintendent of Police to dismiss any Constable under him whose Conduct in any Proceedings that shall form the Subject of Investigation before the Magistrate shall, in the Opinion of the Magistrate, render such Constable unfit to be any longer retained in the Police Establishment, and such Constable shall be dismissed accordingly.

Power to mitigate Punishments.

419. It shall be lawful for the Magistrates or any of them to shorten the Period of Imprisonment, or to modify or mitigate the Severity of any other Punishment awarded by them or him in virtue of this Act, if at any Time they or any of them may see Cause to do so.

Proceedings not to be void for Want of Form, and Judgments to be final.

420. No Order, Judgment, Record of Conviction, or other Proceeding whatsoever, concerning any Prosecution instituted before the Magistrate by virtue of this Act, shall be quashed or vacated for any Misnomer or Informality; and all Judgments and Sentences pronounced by the Magistrate shall be final and conclusive, and not subject to Suspension, or Advocation, or Appeal, or any other Form of Review or Stay of Execution, unless on the Ground of Corruption,

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Malice, or Oppression on the Part of the Magistrate, or of such Deviations in point of Form from the statutory Enactments as the Court of Review shall think took place wilfully, or of Incompetency, including Defect of Jurisdiction of the Magistrate; and such Suspension or Advocation or Appeal, or Review or Stay of Execution, must be presented to the High Court of Justiciary within Fourteen Days after the Date of the Sentence complained of.

No Stay of Execution to prevent Payment of Penalties.

421. No Suspension or Stay of Execution of any Sentence pronounced by the Magistrate, in so far as concerns any Penalty, Fine, Forfeiture, or Expenses, shall be competent to the Effect of preventing immediate Payment to or Consignation of the Amount with the Clerk; and the Person against whom such Sentence shall be pronounced, if in Custody at the Time, shall be so kept, and if not in Custody at the Time, shall immediately be taken into Custody, and so kept till the said Penalty, Fine, Forfeiture, or Expenses be paid; and if the same be not immediately paid or consigned, such Person shall be committed to Prison till liberated in manner herein mentioned; reserving nevertheless to any Person having paid or consigned such Penalty, if he shall consider himself aggrieved, to seek Redress as is herein-before provided; and in all Cases of Prosecution before the Magistrate under this Act it shall be lawful for the Magistrate whose Sentence shall be brought under Review in another Court to authorize the Expenses incurred in the Proceedings in such other Court to be defrayed out of the Police Assessment authorized to be levied by this Act: Provided always, that at the first Meeting of the Commissioners after any such Sentence shall have been brought under Review as aforesaid the Procurator Fiscal shall make a Report of the Facts and Circumstances of the Prosecution on which any such Sentence shall have been pronounced and brought under Review, and the Commissioners shall thereupon direct such Sentence so brought under Review to be defended or not, as to them shall seem proper; and if they shall direct such Sentence not to be defended, then no Expenses incurred in defending such Action subsequent to such General Meeting shall be defrayed out of the said Assessment.

Fines to be paid to the Clerk.

422. All Forfeitures, Penalties, Fines, and Expenses imposed by the Magistrate, and recovered, shall be paid to the Clerk, and shall be accounted for by him once every Month, or at such other Time or Times as the Commissioners may direct, to the Collector, to be disposed of as herein mentioned; and the Procurator Fiscal is hereby directed, on the First *Monday* of every Month, to intimate to the Collector the Amount of the Forfeitures, Penalties, and Fines imposed in the previous Month.

423. The

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Application of Penalties.

423. The whole Forfeitures, Penalties, and Fines imposed by the Magistrate, and paid by the Clerk, shall be applied in Payment of the Expenses incurred in alimenting Prisoners detained in Custody in the Police Office or Station Houses: Provided always, that if such Forfeitures, Penalties, and Fines shall not be sufficient for these Purposes, whatsoever further Sum may be required shall be paid from the Police Assessment; and if such Forfeitures, Penalties, and Fines shall be more than sufficient for these Purposes, the Surplus shall be applied to the same Purposes as the Police Assessment

For Recovery of forfeited Bail Bonds and Bonds of Caution.

424. When any Person shall be apprehended, and afterwards liberated on finding Bail for his Appearance, and shall fail to appear, or when any Person who shall have found Caution for good Behaviour or for keeping the Peace as aforesaid shall commit a new Offence inferring Forfeiture of such Caution, it shall be lawful for the Magistrate, on Complaint by the Procurator Fiscal in the Police Court as aforesaid, to declare the Sum contained in the Bail Bond or Bond of Caution to be forfeited, and to order the Cautioner to be summoned to make Payment thereof to the Clerk within *Six Days* after the Date of such Summons, and in default of such Payment, after the Lapse of such Period, to grant Warrant for apprehending and imprisoning the Cautioner till the said Sum be paid, but which Period of Imprisonment shall not exceed Thirty Days from the Time of Incarceration, and after such Imprisonment no further Procedure against the Cautioner shall be competent on the Bond; and when any Money or other Article shall be deposited by any Person as a Security for his Appearance, and such Person shall fail to appear, it shall be competent to the Magistrate to declare such Deposit to be forfeited; and if it be Money, it shall be forthwith ordered by the Magistrate to be paid to the Clerk; and if it be not Money, such Article so deposited shall be ordered by the Magistrate to be sold by Public Auction, and the free Proceeds shall be paid to the Clerk, and in both Cases accounted for by him, along with the Forfeitures, Penalties, and Fines to the Collector, and applied in the same Way and Manner as Forfeitures, Penalties, and Fines are by the Police Provisions of this Act directed to be applied.

Cautioners in Bonds.

425. Any Bail Bond or Bond of Caution, the Cautioner in which is unable or shall declare he is unable to subscribe his Name, shall be valid and effectual if such Cautioner shall adhibit to such Bond his Mark, in Presence of Two Witnesses, who shall subscribe the said Bond in testimony thereof.

Clerk of Police Court.

426. The Magistrates shall appoint a proper Person to be Clerk of the Police Court, and such Person may be the same Person who is

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Clerk to the Commissioners, and such Person may appoint, by a Writing under his Hand, a Depute, for whom he shall be responsible; and such Depute shall be invested with all the Powers appertaining to the Office of Clerk of the Police Court: Provided always, that the Commissioners shall fix the Salary to be paid to such Clerk. 5

Municipal Establishments of Burghs and Billet Masters.

PART VI.

SECTION VII.—*Municipal Establishments of Burghs and Billet Masters.*

Burghs maintaining Police to be exempted from County Assessment.

427. No Burgh in which the Police Provisions of this Act are adopted shall be liable for any Assessment for the Police Purposes of 10 the County in which such Burgh is situated, anything in any Act or Acts of Parliament to the contrary notwithstanding.

Where any Act or Decision, &c. declared final, the same shall not be reviewable.

428. Wherever any Act, Decision, Determination, Declaration, or Deliverance of any Sheriff or Magistrate, or Preses of a Meeting, Commissioner or Commissioners, or other Person whatever, is by this 15 Act declared to be final, the same shall not be subject to be set aside or reviewed or affected by any Court or Judicature, upon any Ground or in any manner of way whatever.

Jurisdiction of Sheriffs and Courts of Guild to be preserved.

429. No Jurisdiction conferred by this Act shall be held to exclude the Jurisdiction of any Sheriff or Court of Guild, where the 20 Case shall in the first instance have been brought before or taken up by such Sheriff or Court of Guild.

Assessments in Parliamentary Burghs having no Revenues.

430. It shall be lawful for the Magistrates and Councils of Parliamentary Burghs in which there are no Means or no adequate Means of defraying the necessary Expenses of their Municipal Establish- 25 ments, and other Expenses attending the Administration of the Affairs of such Burghs respectively, to assess all Occupiers of Premises within such Burghs respectively valued at Three Pounds or upwards of yearly Rent in the Sums necessary for defraying the Expenses of such Municipal Establishments and Administration as aforesaid, but 30 in no Case to an Amount exceeding *Threepence* in the Pound of the yearly Rent of such Premises; and such Assessment shall be imposed, levied, and recovered in such and the like Manner, from the same Descriptions of Persons and Property, and under the like Provisions and Exceptions, as the Police Assessment leviable under this Act is 35 authorized to be imposed, levied, and recovered by the Commissioners.

431. It

431. It shall be lawful for the Magistrates and they are hereby authorized and required to appoint a Billet Master or Billet Masters for the Purpose of regulating the quartering of Soldiers as the Law directs; and such Billet Masters shall be removed at the Pleasure of the Magistrates, and be subject always to such Regulations as they shall think proper to establish for the due Performance of the Duties of the Office; and the Commissioners shall and may fix such Salaries for such Billet Masters as they shall think fit.

Part VII. Nuisances Removal. — Billet Master to be appointed.

PART VII.

Promotion of the Public Health.

Amendment of the Act passed in the Nineteenth and Twentieth Years of the Reign of Her present Majesty, intituled "An Act "to make better Provision for the Removal of Nuisances, Regis- "tration of Lodging Houses, and the Health of Towns in "Scotland."

432. The Commissioners of Police of Burghs shall, within the Limits of their respective Jurisdictions, be the Local Authority for the Purposes of "The Nuisances Removal (Scotland) Act, 1856," anything in the said Act notwithstanding.

Commissioners of Police of Burghs to be Local Authority.

433. The Power of Entry given by the Eleventh Clause of the said recited Act to the Local Authority or Inspector shall include not only the Superintendent of Police but the Medical Officer of the Parish, or such other Officers as the Local Authority may desire to accompany them to inspect any private Premises where the Local Authority or Inspector of Nuisances have reasonable Grounds for believing that Nuisance exists.

Power of Entry to include Superintendent of Police, Medical Officer, and others.

434. The Eleventh Clause of the said recited Act is hereby amended to this Extent, that the Decree therein mentioned shall also, if the Case requires it, ordain the Owner of any inhabited House, Building, or Part thereof which has been rendered unwholesome or unfit for Human Habitation by and through its being overcrowded, as the Author of such Nuisance, to limit the Number of separate Dwellings into which such common Tenement or Part thereof may be divided, or let to or for the Use of separate Families, and the Number of Persons who may be accommodated in such common Tenements, or such Parts thereof which may be let to or for the Use of separate Families; and the Word "Nuisances" under the said

Decree to prevent overcrowding of common Tenements, and Watercloset Accommodation may be ordered.

PART VII. Nuisances Removal.

Act shall include "any overcrowding of an inhabited House, "Building, common Tenement, or Part thereof, insufficient in Size "for the Number of Persons inhabiting the same;" and the said Decree shall also, if the Case requires it, ordain the Owner, as the Author of the Nuisance, to provide sufficient Watercloset Accommodation (in lieu of Privy Accommodation) for the separate Use of the Sexes of the Inmates of such common Tenement or Parts thereof.

Water not to be fouled by any Person.

435. The Nineteenth Clause of the said recited Act is hereby amended to this Extent, that any Person who shall wilfully do or permit to be done any Act whereby the Water in any Stream, Reservoir, Aqueduct, Pond, or Place constructed for the Supply of Water for domestic Purposes shall be fouled, shall forfeit for every such Offence a Sum not exceeding *Fifty Pounds.*

Sheriff may supersede Consideration of Complaint to permit regular Drainage Works to be carried out under Police Acts.

436. The Forty-third Section of the said Act is hereby amended to this Extent, that it shall be lawful to the Sheriff to supersede the Consideration, for such Time as he shall see proper, of any Complaint directed under the said Forty-third Section of the said Act, against the Commissioners of any Burgh which has adopted this Act, if he shall deem such just, to enable the Commissioners to carry out a regular System of Drainage under any General or Local Act, in order the better to remove any Nuisance for the Removal of which Drainage Works are necessary.

Sheriff may grant Warrant for Recovery of Penalties and Expenses, and for Imprisonment if not paid.

437. The Forty-fourth Section of the said recited Act is hereby amended to this Extent, that the Sheriff may, without Prejudice to any other Remedy under the said Act for the Recovery of Penalties, grant Warrant for the Recovery of the Penalties and Expenses decerned for, and, failing Payment thereof by the Party convicted within Eight Days after Conviction, for his Imprisonment, for a Period, in the Discretion of the Sheriff, not exceeding *Sixty Days.*

Act may be incorporated, either in whole or in part, with any future Act.

438. Any of the Enactments of this Act may be incorporated, in whole or in part, with any Act to be passed in the present or any future Session of Parliament; and for the Purpose of incorporating Part only of this Act with any Act hereafter to be passed, it shall be sufficient to describe the Clauses of this Act with respect to any Matter in the Words introductory to the Enactment with respect to such Matter, or by Reference to the "Parts" or "Sections" thereof, and to enact that the Clauses so described, or that this Act, with the Exception of the Clauses so described, shall be incorporated with such Act, and thereupon all the Clauses of this Act so incorporated shall, save

so

so far as they are expressly varied or excepted by such Act, form Part of such Act, and such Act shall be construed as if such Clauses were set forth therein with reference to the Matter to which such Act relates.

PART VII. Nuisances Removal.

SCHEDULES to which this Act refers.

SCHEDULE (A.)

Notice is hereby given, That in virtue of the Powers contained in an Act passed in the Year of the Reign of Her Majesty Queen Victoria, intituled "An Act [*specify this Act*]," the Occupiers of Premises in the Burgh of [*or, where the Boundaries have been ascertained by Proceedings under this Act*, within the Boundaries following, viz., *repeat them as in the recorded Deliverance of the Sheriff*,] of the yearly Rent or Value of £10 or upwards, are hereby required to meet upon the Day of next, at of the Clock, within , when the said Act shall be laid before the Meeting, with a view of adopting it in whole or in part.

Dated at , the Day of 18 .

(Signed) *E.F.*, Chief or Senior Magistrate, *or* Sheriff [*as the Case may be*].

SCHEDULE (B.)

Form of the Book to be used at the Meeting for resolving whether this Act shall come into operation.

Adopt, or not, the Provisions of Act, in so far as respects					Qualifications of Voters.	Signatures of Voters.

SCHEDULE (C.)

Form of the Book to be used in the Election of Commissioners.

Names and Designations of Commissioners voted for.		Qualifications of Electors.	Signatures of Electors.
1.	2.		

Police and Improvement (Scotland).

A

B I L L

To make more effectual Provision for regulating the Police of Towns and populous Places in Scotland, and for lighting, cleansing, paving, draining, supplying Water to and improving the same, and also for promoting the Public Health thereof.

(*Prepared and brought in by Sir William Dunbar, The Lord Advocate, and Sir George Grey.*)

Ordered, by The House of Commons, *to be Printed,* 21 *March* 1862.

[Bill 57.]

Under 20 *oz.*

Police and Improvement (Scotland) Bill.

[AS AMENDED IN COMMITTEE.]

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A

BILL

[AS AMENDED IN COMMITTEE]

TO

Make more effectual Provision for regulating the Police of Towns and populous Places in Scotland, and for lighting, cleansing, paving, draining, supplying Water to and improving the same, and also for promoting the Public Health thereof.

WHEREAS an Act was passed in the Thirteenth and Fourteenth Year of the Reign of Her present Majesty, intituled "An Act to make more effectual Provision for "regulating the Police of Towns and populous Places in Scotland, "and for paving, draining, cleansing, lighting, and improving the "same:" And whereas an Act was passed in the Nineteenth and Twentieth Year of the Reign of Her present Majesty, intituled "An "Act to make better Provision for the Removal of Nuisances, "Regulation of Lodging Houses, and the Health of Towns in "Scotland:" And whereas an Act was passed in the Twenty-third and Twenty-fourth Year of the Reign of Her present Majesty, intituled "An Act to amend the Police of Towns Improvement Act, so as to "enable Towns and populous Places in Scotland to avail themselves "of its Provisions for sanitary and other Improvements, without at "the

Preamble.

13 & 14 Vict. c. 33.

19 & 20 Vict. c. 103.

23 & 24 Vict. c. 96.

" the same Time adopting its Provisions as regards the Establishment " and Maintenance of a Police Force:" And whereas it is expedient to make more effectual Provision for regulating the Police of Towns and populous Places in Scotland, and also for lighting, cleansing, paving, draining, supplying Water to and otherwise improving the same: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same:

Repeal of Acts.

1. The first and third recited Acts, and Sections Sixty to Seventy, both inclusive, of the second-recited Act, shall be and the same are hereby repealed, except only as regards any Burgh in which the Provisions of the said Acts or any Part thereof have, on or before the First Day of August One thousand eight hundred and sixty-two, been adopted, either in the Manner provided by the first-recited Act, or by the Incorporation of such Provisions or any Part thereof with any Local or Special Act relating to any such Burgh.

Short Title.

2. This Act may be cited for all Purposes as "The General Police and Improvement (Scotland) Act, 1862."

Interpretation of Terms.

3. The following Words and Expressions in this Act shall have the Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; that is to say,

The Expression "Royal Burgh" shall mean a Burgh having Magistrates and Councillors elected under the Powers of the Public General Act, Third and Fourth William the Fourth, Chapter Seventy-six, and also those Burghs enumerated in Schedule (F.) of the said Act:

The Expression "Parliamentary Burgh" shall mean a Burgh having Magistrates and Councillors elected under the Powers of the Public General Act, Third and Fourth William the Fourth, Chapter Seventy-seven:

The Word "Burgh," when used alone, shall include not only Royal Burgh, Parliamentary Burgh, Burgh incorporated by Act of Parliament, and Burgh of Regality and Barony, but also any populous Place the Boundaries whereof have been fixed and ascertained under the Provisions of the first-recited Act or of this Act:

The Expression "Parliamentary Boundaries" shall mean the Boundaries of Burghs as fixed by the Public General Act, Second and Third William the Fourth, Chapter Sixty-five:

The Expression "populous Place" shall mean any Town, Village, Place, or Locality, not being a Burgh to which Magistrates and Councillors

Councillors were provided by either of the said Acts, Third and Fourth William the Fourth, Chapters Seventy-six and Seventy-seven, containing a Population of Three hundred Inhabitants or upwards; and for the Purposes of this Act Two or more contiguous Towns, Villages, Places or Localities not being Burghs to which Magistrates and Councillors were provided as aforesaid, may be held to be a populous Place:

The Word "Person," and Words applying to any Person or Individual, shall apply to and include Companies and Corporations:

The Word "Householder" shall mean a Male Occupier of Lands or Premises of the yearly Value of Ten Pounds or upwards, in all Burghs, except in populous Places containing less than One thousand Inhabitants, and in populous Places containing less than that Number of Inhabitants, it shall mean a Male Occupier of Lands or Premises of the yearly Value of Six Pounds or upwards:

The Word "Occupier" shall include Tenant, but shall not include a Lodger or a Party in the Occupation as Tenant of a furnished House let for a less Period than One Year, but shall include the Party by whom such furnished House is so let:

The Word "County" shall include Stewartry:

The Word "Sheriff" shall mean the Sheriff of and acting in the County of which he is Sheriff, and shall include Sheriff Substitute, and also Steward and Steward Substitute:

The Expression "the Commissioners" shall mean the Commissioners for the Purposes of this Act acting in and for a Burgh by which this Act has been in whole or in part adopted:

The Words "Magistrates" or "Magistrates and Council" shall include the Lord Provost or Provost:

The Word "Magistrates" shall mean a Magistrate or Judge having Police Jurisdiction under this Act or under any Local or General Act in force:

The Words "Clerk," "Treasurer," and "Collector" shall mean the Clerk, Treasurer, and Collector respectively appointed by the Commissioners under the Provisions of this Act:

The Word "Lands" and the Word "Premises" shall include all Lands, Springs, Rights of Servitude, Dwelling Houses, Shops, Warehouses, Vaults, Cellars, Stables, Breweries, Manufactories, Mills, and the fixed or attached Machinery therein, Yards, Places, and other Heritages specified or included in the Act of the Seventeenth and Eighteenth Victoria, Chapter Ninety-one, intituled "An Act for the Valuation of Lands and Heritages in Scotland:"

The Word "Street" shall mean a public Street, and shall extend to and include any Road, Bridge, Quay, Lane, Square, Court, Alley,

Alley, Close, Wynd, Vennel, Thoroughfare, and public Passage or other Place within the Burgh used either by Carts or Foot Passengers, not being a "private Street:"

The Expression "private Street" shall mean any Road, Street, or Place within the Burgh, (not being or forming Part of any Railway or Canal Station, Depôt, or Wharf,) used by Carts, and either accessible to the Public from a public Street, or forming a common Access to Lands and Premises separately occupied, and which has not been before the Adoption of this Act well and sufficiently paved and flagged by the Owners of Premises fronting or abutting on said Street, and which has not been maintained as a public Street: 5 10

The Word "Owner" shall include Joint Owner, Fiar, Liferenter, Feuar, or other Person in the actual Possession or Receipt of the Rents of Tenements, Lands, and Heritages of every Tenure or Description, and the Factor, Agent, or Commissioners of such Persons, or any of them, or any other Person, who shall intromit with or draw the Rents: 15

The Expression "Private Improvement Assessment" shall mean any Assessment or Charge on any Person for private Improvement Expenses under this Act: 20

The Expression "District Assessment" shall mean any Assessment or Charge (other than a "Private Improvement Assessment") which is confined only to a Portion or District of any Burgh: 25

The Word "Cattle" shall include any Horse, Mare, Gelding, Foal, Colt, Filly, Bull, Cow, Heifer, Ox, Calf, Ass, Mule, Ram, Ewe, Wether, Lamb, Goat, Kid, or Swine:

The Expression "Police Purposes" or "Police Provisions" of this Act, except when otherwise limited, shall mean and include the whole Act, excepting those Enactments under the Head "with "respect to the Promotion of the Public Health thereof:" 30

The Word Carriage, shall include any Coach, Omnibus, Chariot, Fly, Car, Cabriolet, Gig, Brougham, Waggon, Timber Carriage, Dray, Truck, Hand-cart, Wheel-barrow, Hand-barrow, Lorry, or other Vehicle, used for the Conveyance of Goods or plying for Hire: 35

The Word "Broker" or "Brokers" shall extend to and include any Person or Persons dealing in second-hand Goods or Articles, or in Woollen Yarn or Waste, or in other unwrought Woollen Materials, or in old Metals, Bones or Rags: 40

Where by this Act Power is given to any Constable or other Officer to enter any Lands or Premises, the Word "enter" shall mean not merely a Right to enter, but to enforce Entry when refused.

PART

PART I.

ADOPTION OF THE ACT.

SECTION I.—*Boundaries of Burghs.*

PART I. Adoption of the Act. Sect. 1.

4. The Boundaries of such Royal Burghs as send or contribute to send a Member or Members to Parliament shall, for the Purposes of this Act, include the whole Limits of such Burgh, as the same are defined by, or referred to in, the said Act, Third and Fourth William the Fourth, Chapter Seventy-six, or otherwise fixed by Law, unless it shall be resolved in adopting the Act that its Operation shall be limited to such Portion of the Burgh as is comprehended within the Parliamentary Boundaries.

Boundaries of Royal Burghs which send or contribute to send Members to Parliament.

5. The Boundaries of such Parliamentary Burghs as send or contribute to send a Member or Members to Parliament shall, for the Purposes of this Act, include the whole Limits of such Burgh, as the same are defined by, or referred to in, the said Act, Third and Fourth William the Fourth, Chapter Seventy-seven, or otherwise fixed by Law.

Boundaries of Parliamentary Burghs.

6. The Boundaries of all other Royal Burghs, Burghs erected or incorporated by Act of Parliament, Burghs of Regality and of Barony, shall, for the Purposes of this Act, be fixed by the Sheriff as after provided, and on the Application of any Seven or more Householders in any such Burgh, or of the Magistrates and Council of any such Burgh, and after such Publication by Advertisement and otherwise as the Sheriff may direct, and after such Investigation (if any) as the Sheriff may deem necessary or proper, the Sheriff shall and he is hereby required to mark out, define, and specify, in a written Deliverance, on such Application, the Boundaries of such Burgh, for the Purposes of this Act, and such Deliverance shall be final, and when recorded, along with the Application on which it proceeds, in the Sheriff Court Books of such County, shall fix and determine the Boundaries of such Burgh for the Purposes of this Act; and whenever the Boundaries of such Burgh as so ascertained for the Purposes of this Act shall include a Portion of a different County than that in which the original Bounds of such Burgh are situated, such Portion shall, for the Purposes of this Act, be held to be within and to form Part of the County in which such original Bounds are situated as aforesaid.

Boundaries of other Burghs, how to be fixed.

7. The Boundaries of any populous Place shall, for the Purposes of this Act, be fixed by the Sheriff, on the Application of any Seven or more Householders in such populous Place, and after such Publication

Boundaries of populous Places how to be fixed.

PART I. Adoption of the Act. Sect. 1.

lication by Advertisement and otherwise as the Sheriff may direct, the Sheriff shall appoint and direct a proper Person to make out and furnish, within Fourteen Days thereafter, a Return showing to the best of his Knowledge and Belief the Amount of the Population within such populous Place, and thereafter, and after such further Investigation (if any,) as the Sheriff may deem necessary or proper, it shall be lawful for the Sheriff and he is hereby required to mark out, define, and specify in a written Deliverance on such Application the Boundaries of such populous Place, and to declare that such Place is a populous Place in Terms of this Act; and such Deliverance shall be final, and when recorded, along with the Application on which it proceeds, in the Sheriff Court Books of the County, shall fix and determine the Boundaries of such populous Place for the Purposes of this Act.

If not adopted within a Year, Boundaries to be held to be unascertained.

8. If at the Expiration of One Year from the Date of such Deliverance, in regard to any such Burgh or populous Place, this Act shall not have been adopted by such Burgh or populous Place, in whole or in part, the Boundaries of such Burgh or populous Place shall, for the Purposes of this Act, be held and taken to be still unascertained.

Power to rectify Errors committed by Sheriffs in defining Boundaries.

9. In the event of any Error having been committed by any Sheriff in defining the Boundaries of any Burgh or populous Place, under the Powers hereby or by the said recited Acts hereby repealed conferred, it shall be lawful for the Commissioners to bring the Matter under the Consideration of the Sheriff, who shall have Power to rectify any such Error, and whose Judgment thereon shall be final, and the Boundaries as so rectified shall, in regard to all future Acts, Payments, and Liabilities, be held to be the Boundaries originally assigned by the Sheriff under the said Acts hereby repealed and this Act: Provided always, that any Acts done or Payments made prior to such Rectification shall be nowise affected thereby, but the same, in so far as done or made bonâ fide, shall, notwithstanding such Error, be as valid, final, and free from Challenge as if such Error had not been committed.

Commissioners of Burghs, other than Royal and Parliamentary Burghs, may apply to Sheriff for Revision of Boundaries.

10. Upon the Application of the Commissioners of any Burgh, other than a Royal or Parliamentary Burgh, and after such Publication and Investigation as aforesaid, the Sheriff shall and he is hereby required, from Time to Time as Occasion shall require and he shall deem necessary, to revise and re-extend the Boundaries of such Burgh; and the Sheriff shall and he is hereby required to mark out, define, and specify, in a written Deliverance on such Application, the revised and extended Boundaries of such Burgh, for the Purposes of this Act, and such Deliverance shall be final, and when recorded, along

along with the Application on which it proceeds, in the Sheriff Court Books of the County, shall fix and determine the Boundaries of such Burgh for the Purposes of this Act in all Time thereafter, or until again revised and extended as hereby allowed.

PART. I. Adoption of the Act. Sect. 2.

5 **11.** Where any Royal Burgh which has adopted this Act, in whole or in part, by a Resolution of the Magistrates and Council thereof, as herein-after provided for, is within or is in any Part within the Parliamentary Boundaries of such Burgh, the Magistrates and Council of such Royal Burgh may, by a Resolution of the Magistrates and 10 Council assembled at a Meeting to be held for that Purpose, authorize and direct a Petition to be presented to the Sheriff of the County in which such Royal Burgh is situated, praying him to extend the Boundaries of such Royal Burgh to the Parliamentary Boundaries of such Burgh or to any Part thereof; but no such Resolution shall be 15 valid unless a Month's previous Notice of the Meeting and the Purpose thereof has been given in the Manner in which Notices of Meetings of the Magistrates and Council are usually given, nor unless Two Thirds of the Members present at the Meeting concur in the Resolution.

Boundaries of Royal Burghs may be extended.

20 **12.** The Sheriff shall, after the Presentation of the said Petition, order Intimation thereof to be given by public Advertisement, in such Manner as he shall think proper; and it shall be competent for any Seven or more Householders as are beyond the Limits of such Royal Burgh, and within such Parliamentary Boundaries, to appear and 25 object to the Prayer of the Petition; and the Sheriff shall have Power, in a summary Way, to dispose of such Objections, after such Inquiry as to him shall seem meet; and the Judgment of the Sheriff granting the Prayer of such Petition, or sustaining the Objections to the same, shall be final and conclusive.

Householders beyond existing Boundaries of such Royal Burghs may oppose Extension.

30 **13.** If the Sheriff shall grant the Prayer of the Petition, he shall issue a Deliverance to that Effect on the Petition, and such Deliverance shall be final, and when recorded along with the Petition in the Sheriff Court Books of the County, the Parliamentary Boundaries aforesaid shall thereafter be the Boundaries of the Royal Burgh for 35 all Municipal Purposes, and all Matters connected with Police, including the Right of voting for Town Councillors.

Sheriff's Deliverance to be final.

14. If the Magistrates and Council of such Royal Burghs shall have resolved not to apply to the Sheriff, as above provided for, the Magistrates and Council may, as often as they shall think proper 40 thereafter, but no sooner than One Year from the Date of the preceding Meeting, by such and the like Proceedings, again resolve to

Application for Extension of Boundaries may be renewed.

PART I. Adoption of the Act. Sect. 2.

to apply to the Sheriff to extend the Boundaries as aforesaid; but in the event of the Sheriff having sustained the Objections to the Petition, which may have been presented to him in virtue of any Resolution to that Effect in Terms of this Act, it shall not be lawful to resolve to present another Petition for the Purpose of extending such Boundaries until after the Expiration of Two Years from and after the Date of the Rejection of the last Petition.

PART I.

SECTION II.—*Adoption of Act by Magistrates and Councils or Commissioners of Police.*

Parties who may adopt this Act.

15. This Act may be adopted, either in whole, or in part; (that is to say,) in Parts, Sections, or Clauses,—

(1.) In Royal or Parliamentary Burghs, where there is no Board of Commissioners of Police, under the Provisions of any General or Local Act of Parliament, other than the Magistrates and Council of such Burghs, by a Resolution of the Magistrates and Council of such Royal or Parliamentary Burghs, at a Meeting held for the Purpose:

(2.) In Royal or Parliamentary Burghs where there is such a Board of Commissioners as aforesaid, by a Resolution of the said Commissioners at a Meeting held for the Purpose:

(3.) In Burghs, not being Royal or Parliamentary Burghs, which have adopted, in whole or in part, the Provisions of the Act Thirteenth and Fourteenth Victoria, Chapter Thirty-three, or which have Commissioners of Police, under the Provisions of any Local Act of Parliament, by a Resolution of the Commissioners of Police acting in and for such Burghs respectively, at a Meeting held for the Purpose:

But no such Resolution passed by any Magistrates and Council, or Commissioners of Police, shall be valid, unless a Month's previous Notice of the Meeting, and of the Purpose thereof, has been given in Manner in which Notices of Meetings of such Magistrates and Council or Commissioners of Police respectively are usually given, nor unless Two Thirds of the Members present at the Meeting concur in the Resolution for such Adoption.

Limits within which the Act shall apply when so adopted.

16. Where this Act is adopted in whole or in part, as above provided for, this Act, so far as adopted, shall apply as follows; viz.

If adopted by the Magistrates and Council of any Royal Burgh, to the whole Limits of such Royal Burgh, and to any additional Territory over which they as Commissioners of Police possess Jurisdiction, unless it shall be resolved in adopting the Act that its Operation shall be limited to such Portion of

of the Burgh as is comprehended within the Parliamentary Boundaries:

If adopted by the Magistrates and Council of any Parliamentary Burgh, to the whole Limits of such Burgh:

5 If adopted by the Commissioners of Police of or in any Burgh, to the whole Territory over which such Commissioners possess Jurisdiction, as the same is established by any General or Local Act, or otherwise fixed by Law, which Commissioners shall not levy Assessments nor in any way exercise Jurisdiction beyond 10 the Limits of such Territory, and in such Case the Word Burgh in this Act shall apply only to such Territory, anything in this Act to the contrary notwithstanding.

Proceedings with reference to Adoption of Act may be renewed.

17. If the said Magistrates and Council or Commissioners of Police shall have resolved not to adopt the Provisions of this Act, or having 15 adopted it, in whole or in part, shall have limited its Operation to the Area within the Parliamentary Boundaries, the Magistrates and Council or the Comissioners may, as often as they shall think proper thereafter, but not sooner than One Year from the Date of the preceding Meeting, by such and the like Proceedings again take this 20 Act into consideration, and adopt the same, in whole or in part, or determine not to adopt the same, or determine to extend its Operation to the whole Area within the Parliamentary Boundaries thereof; but if at any Time Part of this Act shall have been adopted, it shall be lawful at any Time, by such and the like Proceedings, to adopt such 25 Part thereof as may not have been formerly adopted.

Where this Act adopted, other Acts repealed.

18. If the said Magistrates and Council or Commissioners of Police adopt this Act in whole, any General or Local Act in operation within such Burgh shall be repealed, excepting in so far as it may relate to Matters not provided for in this Act; and if they resolve to adopt 30 this Act in part, such Resolution shall specify the Parts, Sections, or Clauses so adopted; and no Part of this Act which is not so specified shall be held to be adopted, except as much thereof as is requisite for giving due Effect to the Parts, Sections, or Clauses so adopted; and any General or Local Act in operation within such Burgh shall 35 remain in force in so far as not inconsistent with the Parts, Sections, or Clauses so adopted.

Where Act partially adopted, the Commissioners may adopt the Portion not previously adopted.

19. Where any Burgh, other than those above provided for, has adopted in part the Provisions of this Act, it shall be lawful to the Commissioners appointed and acting under this Act in any such 40 Burgh at any Time to adopt such Part of this Act as may not have been formerly adopted by a Resolution of the said Commissioners assembled at a Meeting to be held for that Purpose; but no such Resolution shall be valid unless a Month's previous Notice of the Meeting and the Purpose thereof has been given in the Manner

PART I. Adoption of the Act. Sect. 2.

in which Notices of Meetings of the said Commissioners are usually given, nor unless Two Thirds of the Members present at the Meeting concur in the Resolution.

Proceedings to be reported to Sheriff.

20. All such Resolutions in reference to the Adoption of this Act, in whole or part, as above provided for, shall forthwith be reported to the Sheriff, and he shall, within Forty-eight Hours after the Receipt thereof, pronounce a Deliverance thereon, finding and declaring, as the Case may be, either that this Act has not been adopted, or that the Powers or Provisions thereof (in so far as such Resolution shall show this to have been the Case) have been adopted, and that this Act shall apply to such Burgh as aforesaid in manner therein set forth, and shall forthwith cause such Resolution and Deliverance to be recorded in the Sheriff Court Books of the County and in the Books of the Burgh to which they specially apply; and such Deliverance by the Sheriff shall be final.

Contracts under former Acts to be saved.

21. When this Act shall be adopted, in whole or in part, in any Burgh which had previously adopted, in whole or in part, the Powers and Provisions of the said recited Acts hereby repealed, or in any Burgh which had previously possessed a Local Act or Acts, all Bonds, Contracts, Covenants, Agreements, and Securities made and entered into, and Obligations incurred, and all Assessments imposed or to be imposed under and by virtue of such recited Acts or of such Local Act or Acts, in so far as regards anything done under such Acts or any of them previous to the Adoption of this Act, shall remain in full Force and Effect, and shall continue available and binding on all concerned; and nothing herein contained shall be construed to affect the Debts, Rights, or Claims of any Creditor under such recited Acts or under such Local Act or Acts; and the Officers appointed under and employed in the Execution of such Acts shall continue to exercise their Offices until they are respectively superseded or legally removed therefrom under the Authority of this Act.

CLAUSE A. Property vested in Commissioners under this Act.

22. Notwithstanding anything in this Act in the contrary implied or expressed, and whether this Clause be adopted by any Burgh or not, it is hereby enacted, That in all Cases where the Management of the Police Affairs of any Burgh is transferred from any existing Commissioners of Police, or other Persons, to the Magistrates and Council of such Burgh, or to Commissioners elected under this Act, the whole Lands, Heritages, Assessments, Claims, Demands, and Effects of every Kind belonging to or vested in the Commissioners of Police, or other Persons, from whom such Management is so transferred, or in any Person on their Behalf, and all Powers, Rights, and Privileges conferred on or vested in such Commissioners of Police, or other Persons, by any Act of Parliament, in so far as not inconsistent with the Provisions of this Act, shall be and are hereby transferred

transferred to and vested in the Magistrates and Council or Commissioners of Police to whom such Management is so transferred, who shall be liable for the whole Debts and Obligations of the Commissioners of Police, or other Persons from whom such Management is transferred; and in all Cases where this Act shall be adopted in whole or in part, such Adoption shall not free or relieve the Magistrates and Council or Commissioners of Police of any Burgh from any Obligations incumbent on them at the Date of such Adoption of a Character different from those imposed by the Parts, Sections, or Clauses of this Act so adopted; and all such Obligations, together with the Powers of Assessment and other Faculties therewith connected, shall remain in full Force as if this Act had not been adopted.

PART I.

Section III.—*Adoption of Act by Householders.*

23. It shall be lawful for any Seven or more Householders in any Burgh to apply in Writing to the Chief or Senior Magistrate of such Burgh, if a Royal or Parliamentary Burgh, or if otherwise to the Sheriff of the County in which such Burgh is situated, requiring him to convene a Meeting of Householders in such Burgh for the Purpose of considering whether the Provisions of this Act, or any Part of the same, shall be adopted and carried into execution within such Burgh: Provided always, that previously to such Requisition being entertained by such Magistrate or Sheriff the Boundaries of such Burgh, where required to be ascertained for the Purposes of this Act, shall have been ascertained in manner herein provided.

Burghs may convene a Meeting of Householders to consider of the Adoption of this Act.

Boundaries of Burgh to be ascertained previously.

24. Such Magistrate or Sheriff shall, upon receiving such Requisition for convening a Meeting, accompanied, if he shall so require, with a satisfactory Undertaking to pay the Expenses after mentioned, appoint and direct a proper Person to make out and furnish, within Fourteen Days thereafter (except where previously made out and furnished as directed by this Act), a Return showing, to the best of his Knowledge and Belief, the Amount of Population residing within such Burgh, and shall also direct the Assessors under the Acts in force for the Valuation of Lands and Heritages in Scotland within such Burgh to furnish him, within the like Period, with a List of the Names of all Householders within such Burgh; which List of Householders, distinguishing the Amount of Rental at which each Person is assessed, the said Assessors are hereby required to make and certify, on Payment of a Fee of not more than One Shilling for each One hundred Names, and which List shall be sufficient Proof of the Qualification of the Householders named therein.

Return of the Population and Lists of Householders to be made out.

25. On Receipt of such Requisition, such Magistrate or Sheriff shall convene the Householders in the Town Hall or other convenient Place

Mode of calling First Meeting.

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Place within such Burgh, as the Case may be, and shall lay this Act before such Meeting, together with such Requisition, Return, and List aforesaid, and shall attend and shall preside at such Meeting, and at each subsequent Meeting authorized by this Act, and shall appoint a Clerk thereat, who shall make regular Minutes of the Proceedings thereof; and such Magistrate or Sheriff shall, in case of Equality of Votes, besides a deliberative Vote, have a casting or decisive Vote.

Meetings to be intimated by posting Handbills, &c.

26. Such Meeting shall be held on a Day not less than Twenty-one Days or more than Thirty Days after such Magistrate or Sheriff shall have received such Requisition to convene a Meeting as aforesaid, and Intimation thereof shall be made by posting Handbills within such Burgh Fourteen Days preceding the Day of the Meeting, in the Form of the Schedule marked (A.) hereunto annexed, and by any Mode of Intimation usually adopted in such Burgh, Two Days in each Week for Two Weeks before such Meeting, or by open Proclamation within such Burgh, and also by an Advertisement in any Newspaper published in such Burgh, and if no Newspaper be published therein, then in a Newspaper circulating in such Burgh, at least Three clear Days before the Day appointed for such Meeting.

Qualification of Voters.

27. At such Meeting, and generally at all Meetings and Elections under this Act, all Householders shall be entitled to vote; and Companies or Copartnerships occupying Lands or Premises of the yearly Value required for the Qualification of a Householder as before defined, or of greater Value, so as to afford more than One such Qualification, shall be entitled to grant Authority in Writing to any One or more of the Partners of such Company or Copartnership to vote, and which Partner or Partners shall be deemed to be a Householder within the Meaning of this Act, and be entitled to vote accordingly: Provided always, that such Company or Copartnership shall not so authorize or have Right to vote by more than One Partner in respect of each such Qualification afforded by such Premises: Provided also, that in case of any Difficulty arising as to the Qualification or Identity of any Householder, the same shall be decided at such Meeting by such Magistrate or Sheriff, whose Determination shall be final.

Power of Meeting to adopt this Act, or to decline to adopt it.

28. Such Meeting shall proceed to consider and determine whether this Act shall, in whole or in part, be adopted and carried into execution within such Burgh, or shall appoint a Committee of their own Number, not exceeding Nine, to inquire and report to some future Meeting to be held on such Day as shall be appointed, and such future Meeting shall, upon the Report of such Committee, proceed in all respects in the Manner herein directed for such First Meeting.

29. Such

PART I. Adoption of the Act. Sect. 3.

Preses to declare the Determination of the Meeting.

29. Such Magistrate or Sheriff shall ascertain the Determination of such Meetings by a Show of Hands, or in such other Manner as shall appear to him expedient, and shall declare the same, which Declaration shall be final, unless a Poll shall be then demanded in Writing by any Seven Persons present and qualified to vote at such Meeting.

Preses to direct a Poll when demanded.

30. When such Poll shall be demanded as aforesaid, such Magistrate or Sheriff shall direct the same to be proceeded in at such Polling Place or Places and within such Period as he shall determine, not exceeding Two clear Days from the Day of the Date of such Demand in Writing, exclusive of Sundays, and the polling shall commence at the Places intimated at Nine of the Clock of the Forenoon of the Day that shall be named.

Poll not to be open more than One Day.

31. No Poll by this Act authorized to be taken shall be kept open for more than One Day, and that only between the Hours of Nine in the Morning and Four in the Afternoon.

Poll Books to be provided.

32. Such Magistrate or Sheriff shall, either in Person or by a legal Substitute or Substitutes, who he is hereby authorized to appoint when necessary, preside at the Poll, and shall direct the necessary Number of Poll Clerks to be appointed, and of Poll Books to be prepared in the Form of Schedule (B.) hereunto annexed, in which Books shall be inscribed by such Clerks the Situation of the Premises in respect of which the Voter is qualified, and the Manner in which he votes: Provided always, that such Substitute or Substitutes shall possess the Qualifications required for the Assessor and Substitute under the said Act, Third and Fourth William the Fourth, Chapter Seventy-six.

State of Poll to be ascertained and declared.

33. As soon after the Close of the Poll as may be, the Persons who shall have presided thereat shall seal up and transmit the Poll Books to such Magistrate or Sheriff, who shall sum up the same, and openly declare the Result of the total Poll at an adjourned Meeting to be held on the next lawful Day after the Polling Day; and such Declaration shall be final, unless any Householder present at such adjourned Meeting shall then and there demand a Scrutiny, and on such Householder finding Caution or Security to the Satisfaction of such Magistrate or Sheriff for the Reimbursement of the Expenses attending the same, such Scrutiny shall be made by such Magistrate or Sheriff in such Way and Manner as he may deem proper, and shall be reported to another adjourned Meeting to be appointed by such Magistrate or Sheriff, to be held on a Day not later than the

PART I. Adoption of the Act. Sect. 3.

Third Day from the Meeting held immediately after the Day of Polling, and the Result of such Scrutiny as declared by such Magistrate or Sheriff shall be final, and the Person demanding such Scrutiny shall be liable in the Expense thereof.

Majority necessary to adopt this Act, in whole or in part.

34. Any Resolution to adopt the Provisions of this Act, in whole or in part, shall be effectual if it be carried by a Majority of the Persons qualified and voting as aforesaid.

How Minutes of Meeting should be worded if Act adopted in part only.

35. If such Resolution shall be to adopt this Act only in part, the Parts, Sections, or Clauses so adopted shall be specified in the Minutes of such Meeting, or it shall be set forth and declared in such Minutes that this Act, with the Exception of the Parts, Sections, or Clauses so specified, is so adopted; and such Adoption shall be held to include the Provisions and Powers of this Act in so far as requisite for giving due Effect to the Parts, Sections, or Clauses so adopted.

Further Proceedings on Act being adopted.

36. Where this Act shall be adopted in any Burgh, in whole or in part, the Resolution to adopt it shall not be subject to any further Question; and the Householders thereof present at the Meeting adopting this Act unanimously, or at some adjourned Meeting as aforesaid, shall then and there proceed to determine by a Majority of Votes, and shall set forth in their Minutes, the Number of Commissioners to be elected by the Householders to carry this Act into operation, and also whether such Burgh shall be divided into Wards for the Purposes of this Act, and, if so, the Bounds and Limits of such Wards.

Proceedings to be reported to the Sheriff.

37. The Minutes and Resolutions of and whole Documents laid before such Meetings shall be transmitted by the Clerk to the Sheriff within Forty-eight Hours after the Close of the Proceedings, and the Sheriff shall, within Forty-eight Hours after the Receipt thereof, pronounce a Deliverance thereon, finding and declaring, as the Case may be, either that this Act has not been adopted, or that the Powers and Provisions thereof (in so far as such Minutes shall show this to have been the Case) have been adopted, and that this Act shall apply to such Burgh in manner therein set forth, and shall forthwith cause such Deliverance to be recorded in the Sheriff Court Books of the County, and in the Books (if any be) of the Burgh to which they specially apply; and such Deliverance by the Sheriff shall be final.

If Act not adopted, Proposal

38. Where any Burgh shall have resolved not to adopt the Provisions of this Act, or shall have adopted them only in part, the Householders

Householders thereof may, as often as they shall think proper, thereafter, but not sooner than One Year from the Date of any preceding Meeting held for the Purpose of considering whether the Act should be adopted, in whole or in part, by such and the like Proceedings, again take this Act into consideration, and adopt the same, in whole or in part, or determine not to adopt the same.

PART I. Adoption of the Act. Sect. 4.

may be reconsidered after One Year.

39. If the Provisions of this Act shall be adopted, in whole or in part, all the Expenses incurred in relation to fixing the Boundaries, calling the First Meeting, making out Population Returns and Lists of Householders, and otherwise in relation to carrying this Act into execution, shall be defrayed out of the Police Assessment herein-after provided; but in case the Provisions of this Act shall not be adopted, in whole or in part, then the whole Expenses incurred in relation to fixing the Boundaries shall be paid and borne by the Persons signing the Application in that Behalf; and the whole Expenses incurred in relation to calling and holding the First Meeting, making out Returns and Lists, taking Polls, and all other Expenses whatsoever thereto relating, except as herein specially provided for, shall be paid and borne by the Persons signing the Requisition for holding such Meeting; and the Party who shall have disbursed such Expenses is hereby authorized to pursue for and recover the same, with Expenses of Suit, and that by summary Process before the Sheriff, whose Determination shall be final.

Expenses attending the calling First Meeting, &c. how to be borne.

PART I.

SECTION IV.—*Commissioners for the Purposes of this Act in Royal and Parliamentary Burghs, Burghs erected or incorporated by Act of Parliament, and Burghs of Regality and Barony.*

40. Where the Powers and Provisions of this Act shall be, in whole or in part, adopted in any Royal or Parliamentary Burgh, the Magistrates and Council of such Burgh for the Time being shall, under the Exception after mentioned, be the Commissioners for carrying this Act, or such Part thereof as shall be adopted, into operation, as regards such Burgh, and no special Election of Commissioners of Police or Magistrates of Police for such Burgh shall take place under this Act, and the Magistrates of such Burgh shall be the Magistrates of Police thereof; and the said Magistrates and Council as Commissioners, and the said Magistrates as Magistrates of Police, shall have all the Powers, Privileges, and Jurisdictions of Commissioners and Magistrates of Police respectively under this Act as are by this Act conferred on Commissioners and Magistrates of Police respectively.

In certain Royal and Parliamentary Burghs Magistrates and Councils shall be Commissioners for executing this Act.

PART I. Adoption of the Act. Sect. 4.

In Burghs of Regality or Barony having Magistrates and Councils, the Householders may vest such Magistrates and Councils with the Office of Commissioners.

41. Where the Powers and Provisions of this Act shall be, in whole or in part, adopted in any Burgh of Regality or Barony having Magistrates and Council (not being a Burgh in which as bounded for the Purposes of this Act there shall be included any Territory situated in a different County from that in which such Burgh as previously bounded was situated), it shall, under the Exception after provided for, be in the Power of the Householders thereof present at the Meeting adopting the same unanimously, or at some adjourned Meeting as aforesaid, to determine by a Majority of Votes, and to set forth on their Minutes, that the Magistrates and Council of the Burgh shall always for the Time being be the Commissioners for carrying this Act, or such Part thereof as shall be adopted, into operation, as regards such Burgh; and in that Case only such Magistrates and Council for the Time being shall always be such Commissioners within such Burgh, and no special Election of Commissioners of Police or Magistrates of Police for such Burgh shall take place under this Act; and the Magistrates of such Burgh shall be the Magistrates of Police thereof, and shall have all the Powers, Privileges, and Jurisdictions of Magistrates of Police under this Act; but in the event of no such Determination being come to by the Householders as aforesaid, Commissioners and Magistrates of Police shall be elected for such Burgh in manner herein provided.

Commission in certain Burghs Acts to continue, and the Magistrates of Burghs not to be affected by Adoption of this Act.

42. Where the Powers and Provisions of this Act shall be adopted, in part, in any Burgh having Commissioners of Police under the Provisions of any Local Act of Parliament, or of the Act of the Thirteenth and Fourteenth Victoria, Chapter Thirty-three, such Commissioners shall be the Commissioners for carrying such Part of this Act into operation, and such Acts shall continue in force in regard to such Commissioners as if this Act had not been so adopted, and no special Election of Commissioners of Police for such Burgh shall take place under this Act; and the Magistrates of such Burgh shall continue the Magistrates of Police thereof, the same as if no such Adoption of this Act had taken place, and accordingly no special Election of Magistrates of Police shall take place under this Act; but the said Magistrates as Magistrates of Police, and the said Commissioners of Police under such Acts as Commissioners of Police, shall have all the Powers, Privileges, and Jurisdictions of Commissioners and Magistrates of Police respectively under this Act as are by this Act conferred on Commissioners and Magistrates of Police respectively: Provided always, that nothing herein contained shall prejudice the Right of the Magistrates and Council of any Royal or Parliamentary Burgh at any Time to make Application to unite the Municipal and Police Government of such Royal or Parliamentary Burgh in manner herein-after provided.

43. It

43. It shall be lawful for any Burgh, having adopted this Act, in whole or part, either in the Resolution so adopting this Act, or by any subsequent Resolution of the Magistrates and Council, or Commissioners of Police, as the Case may be, at a Meeting held for the Purpose, to exempt for a Time any Places, Grounds, and Houses within the Burgh from all or any of the Provisions of this Act so adopted; which Places, Grounds, and Houses, if so exempted from all such Provisions, shall during the Continuance of such Exemptions be free from Payment of any of the Assessments for such Purposes by this Act authorized to be levied; but in the event of any such Places, Grounds, and Houses being only partially exempted from the said Provisions or any of them, then such Places, Grounds, and Houses so partially exempted shall be liable in Payment of such Part of the said Assessments as shall be fixed and determined by the Magistrates and Council, or Commissioners of Police; and it shall be lawful for the Magistrates and Council, or Commissioners of Police, by a like Resolution, from Time to Time to extend the Period of such Exemptions.

Power to grant certain Exemptions.

PART I.

Section V.—*Elected Commissioners in other Burghs.*

Commissioners.

44. In Burghs where Commissioners shall be elected as herein provided for the Purposes of executing this Act, they shall not exceed Twelve in Number; but the Number may be less than Twelve and not less than Six, as may be determined on in manner hereinbefore provided.

Number of Commissioners.

45. Where the Burgh shall be divided into Wards as aforesaid, the Number of Wards and the Number of Commissioners to be elected shall be so settled and adjusted that there shall be Three Commissioners for each Ward.

If Burgh divided into Wards.

46. As soon as may be after the Deliverance of the Sheriff declaring that this Act shall apply, in whole or in part, to any Burgh adopting the same, and for which Commissioners fall to be elected under this Act, the Chief or Senior Magistrate of such Burgh, if a Royal or Parliamentary Burgh, or if otherwise, the Sheriff, shall convene a Meeting of the Householders of the Burgh in the Town Hall or other convenient Place within the Burgh, for the Election of Commissioners for the Purpose of executing this Act, and the Commissioners shall be elected by such Meeting, of which Meeting such Magistrate or Sheriff shall be Preses, or, if the Burgh shall be divided into Wards, such Magistrate or Sheriff shall convene a Meeting of the Householders in each Ward, at some convenient Place in the Ward to be specified in the Notice to be given of such

Meeting for Election of Commissioners to be convened.

PART I. Adoption of the Act. Sect. 5.

Meeting for the Election of Commissioners for the Purpose of executing this Act, and the Commissioners for each Ward shall be elected by the Meeting in such Ward, and the Householders present at such Ward Meeting shall elect the Preses of such Meeting; and all Meetings for electing Commissioners shall be summoned in the same Manner and at the same Distance of Time as is provided for the First Meeting to be held with respect to the Adoption of this Act.

Election of Commissioners.

47. Such Election shall be proceeded with in manner following; (that is to say,) any Householder of the Burgh shall be eligible to be elected a Commissioner for the Purposes of this Act, and may be proposed and seconded by any Householders within the Burgh, or if such Burgh shall have been divided into Wards, then by any Householders within the Ward for which the Election is to take place; and the Preses of the Meeting shall ascertain and declare the Resolution thereof in manner herein-before provided in regard to Meetings held with respect to the Adoption of this Act; and if such Election shall not be unanimous, and if a Poll shall be demanded in Writing by any Seven Householders present at such Meeting, such Magistrate or Sheriff shall open and proceed with such Poll in the Manner herein-before provided in regard to Polls with respect to the Adoption of this Act, and shall provide Poll Books in the Form of Schedule (C.) hereunto annexed, in which the Votes shall be entered, and shall declare the Result of such Poll as appearing on such Books; and such Magistrate or Sheriff shall be reimbursed all such reasonable Charges or Expenses as may be incurred in providing Clerks and Books, and otherwise in the Performance of the Duties hereby required of them, out of the Police Assessment levied under the Authority of this Act.

First Meeting of Commissioners.

48. The Commissioners elected under this Act shall, at Twelve of the Clock Noon on the First Monday after the First and each annual Election, hold their First General Meeting in the Town Hall or other convenient Place within the Burgh, with Power to adjourn to any other Day or Place which they may think fit; and every Person who may consider that he ought to have been returned as a Commissioner may lodge a Complaint in Writing, signed by him or by some other Person duly authorized on his Behalf, with the Commissioners assembled at such Meeting, who shall thereupon remit to a Committee of Three or Five of their Number to inquire into the Merits of such disputed Election, and to report thereon to a subsequent Meeting of the Commissioners, and such Report shall be final; and in case there shall be an Equality of Votes at any Election, the Commissioners shall determine by Vote which of the Candidates shall be

be preferred; and no Election or Appointment under this Act shall thereafter be liable to be challenged, and no such Election or Appointment shall be quashed or set aside on account of any Misnomer, Omission, or other Informality; and every Party returned as a Commissioner shall be entitled to act until upon a Scrutiny his Return shall be quashed or set aside; and the Commissioners returned shall be entitled to act, although from any Cause the full Number of Commissioners may not be filled up.

Commissioners to choose a Senior and Two Junior Magistrates of Police.

49. The Commissioners shall at such First Meeting or adjourned Meeting, by a Plurality of Votes, (the Commissioner who had the greatest Number of Votes at the Election of Commissioners having a casting or double Vote in case of Equality,) elect from among their own Number a Senior and Two Junior Magistrates of Police.

One Third of Commissioners to be elected annually.

50. One Third of the Commissioners, or, where the Burgh is divided into Wards, One Third of the Commissioners for each Ward, shall go annually out of Office on the same Day of the Month as that on which the Commissioners were elected into Office, or on the next lawful Day thereafter in each Year, and on the same Day of the Month, or the next lawful Day annually, the Places of the Commissioners going out of Office shall be supplied by an equal Number of new Commissioners to be chosen from among the Householders of the Burgh in the Manner aforesaid, under all the Rules, Regulations, and Provisions applicable to such First Election, and the like Notice of such annual Election shall be given as is herein-before directed to be given of such First Election of Commissioners.

First and Second annual Elections.

51. The Third of the Commissioners who shall go out of Office at the Expiration of the First Year after the First Election under this Act shall consist of the Commissioners who at said First Election had the smallest Number of Votes, and where the Burgh is divided into Wards, of the Commissioners who at said First Election in each Ward had the smallest Number of Votes; and the Commissioners who shall go out of Office at the Expiration of the Second Year after said First Election shall consist of the Commissioners who had the next smallest Number of Votes at the said First Election, or where the Burgh is divided into Wards, of the Commissioners in each Ward who at said First Election had the next smallest Number of Votes in each Ward; and thereafter the Third of the Commissioners who shall annually go out of Office shall consist of the Commissioners who have been longest in Office: Provided always, that in any Case where there shall have been an Equality of Votes the other Commissioners remaining in Office shall decide, at a Meeting convened for the Purpose, which Commissioner having an Equality of Votes shall

PART I. Adoption of the Act. Sect. 5.

shall go out of Office; and provided also, that the Senior Magistrate of Police shall always remain in Office for Three Years, and for that Purpose he shall be held to have had the largest Number of Votes at the said First Election, and to have been the shortest Period in Office at all Elections subsequent to the Third Election under this Act.

Commissioners failing to accept.

52. If any Person elected as a Commissioner shall fail to attend the Meeting hereby appointed to be held on the First Monday after the First and each annual Election of Commissioners he shall be held to have declined the Office of Commissioner, unless he transmit to the Meeting a sufficient written Explanation, signed by himself or his Agent, of the Cause of his Absence, and intimating his Acceptance.

Outgoing Commissioners may be re-elected.

53. Any Magistrate of Police or Commissioner may resign his Office at any Time, on giving Three Weeks Notice of such his Intention in Writing to the Clerk, and any out-going Commissioner may be re-elected: Provided always, that no Person shall be eligible as a Commissioner, or entitled to vote at such Election, who shall have been relieved from the Assessment made on him for the Purposes of this Act for the Year immediately preceding on the Ground of Inability to pay the said Assessment, or by whom any Arrear of any Assessment under this Act shall at the Time of the Election be owing, and shall have been demanded, whether such Arrear shall be due by himself or by any Company or Copartnership by which he is authorized to vote; and a Certificate under the Hand of the Collector shall be deemed and taken to be sufficient Evidence of such Arrears or Relief.

Vacancies in the Magistrates of Police, how to be supplied.

54. Where any Magistrate of Police elected under this Act shall be in the Third of the Commissioners going out of Office, the Place of such Magistrate of Police shall be supplied by Election by the Commissioners as soon as the full Number thereof shall have been completed by the annual Election of the Third hereby directed to take place; and such Election shall be made by Plurality of Voices, and the Senior Magistrate of Police, or in his Absence the Preses of the Meeting, to be chosen by the Meeting, shall have a double or casting vote, in case of Equality: Provided always, that Magistrates of Police shall at at all Times be capable of being re-elected.

Interim Vacancies how to be supplied.

55. In case the Place of any of the Commissioners or Magistrates of Police elected as aforesaid shall become vacant by Death, Refusal to accept, Disqualification, or Resignation, then and in such Cases it shall be lawful for the remaining Commissioners to nominate Persons duly

duly qualified to supply such Vacancies; and each Person so nominated shall have and enjoy the same Powers and Privileges as the Person in whose Stead he is nominated, and shall remain in Office until the next Period of Election, when he shall go out of Office, and the Vacancy shall be supplied by the Householders of the Burgh, or, if the Burgh be divided into Wards, the Householders of the Ward in which the Vacancy shall have occurred; and in the event of a Resignation being intimated, so as to take effect at the Period of the annual Election of Commissioners, the Vacancy so caused shall be supplied by the Householders, or if the Burgh is divided into Wards, by the Householders of the Ward in which the Vacancy shall have occurred, by Election at the said Period of Election.

PART I. Adoption of the Act. Sect. 5.

56. If the Householders shall at any Time refuse or neglect to elect the whole or any Part of the Number of Commissioners, it shall be lawful for the Commissioners who held Office at the Time when such Election should have taken place to supply the Deficiency, by such and the like Proceedings as are provided for in the Case of interim Vacancies.

If Electors refuse to elect, Commissioners previously in Office may.

57. No Commissioner shall directly or indirectly derive any Emolument or Profit from any Business or Work of any Description performed or to be performed by him under this Act; nor shall any Commissioner be capable (while he holds Office as such Commissioner) of enjoying any Office of Profit to be created or established by virtue of this Act, or while he has any Share or Interest in any Contract relating to the Execution thereof, nor be capable of standing as a Candidate for any such Office, or be a Competitor for any such Contract, save and except Contracts entered into with any Chartered or Joint Stock Company of which such Commissioner may be a Partner.

Commissioners not to hold Places of Profit under this Act.

PART I.

SECTION VI.—*Meetings of Commissioners.*

58. The whole Commissioners shall be cited to attend all Meetings, both special and statutory, (save only the first Meetings under this Act,) such Citation being given personally, or at their Dwelling Houses or Places of Business, by written or printed Summonses issued by their Clerk at least Twenty-four Hours before the Time of Meeting; and the Chief or Senior Magistrate present, or in Absence of any Magistrate such One of the Commissioners as shall be chosen by the Meeting, shall preside; and the Preses of all Meetings of the Commissioners shall have both a deliberative and in case of Equality a casting Vote in all Matters which shall come before them: Provided always,

Commissioners to be summoned to attend Meetings.

Quorum.

PART I. Adoption of this Act. Sect. 6.

always, that One Third of the Commissioners must be present at all Meetings to constitute a Quorum.

Statutory Meetings of Commissioners.

59. Meetings of the Commissioners shall be held in such Places as they shall appoint within the Burgh upon the Second Monday of the Months of January, April, July, and October in each Year, at Twelve of the Clock Noon, or at such other Hour as the Commissioners may fix.

Special Meetings may be called, on Requisition.

60. The Clerk to the Commissioners, on Requisition being made to him, stating in Writing the Object of the intended Meeting, and signed by Two of the Commissioners, shall cause Special Meetings to be called within Forty-eight Hours, and to be held within Four Days after such Requisition, and shall cause the whole Commissioners to be summoned to attend such Meetings, by printed or written Summonses containing a Copy of such Requisition or stating the Purpose thereof.

Special Meetings not to annul Rules made at Statutory Meetings.

61. No Rules or Regulations shall be adopted or carried into execution by any Special Meeting which shall tend to alter or annul any Rules or Regulations which may have been made and framed at any of the Four Meetings hereby appointed to be held annually.

Meetings may be adjourned.

62. The Commissioners may adjourn to any other Day, Hour, and Place within the Burgh.

Power to appoint Committees.

63. The Commissioners shall have Power to form Committees of their Number, either with Directions to report to the Commissioners, or for carrying the various Purposes of this Act into execution, and to delegate to such Committees the Powers competent to the Commissioners under this Act, in whole or in part, with regard to the Subject which may be remitted, to name the Convener, and to fix the Numbers of such Committees who shall form a Quorum; and the Convener who shall preside at such Committees shall be entitled to a deliberative, and in case of Equality a casting Vote, and to convene the Members by Notices in the Way he shall think most convenient.

PART I.

SECTION VII.—*Powers and Duties of Commissioners.*

Powers and Duties of Commissioners.

64. The Commissioners shall, in such Manner as to them shall seem best for the Police Purposes of this Act, estimate, assess, levy, and apply the Sums of Money hereby authorized to be raised for the Police Purposes of this Act, and shall have Power to appoint a Superintendent

Superintendent of Police, at a fixed annual Salary, and also to appoint, at such Salaries as they shall judge meet, Clerks, Treasurers, Collectors, Surveyors, and all other Persons whose Appointment is not herein otherwise provided for, to be employed in the Execution of this Act, and to remove and suspend such Clerks, Treasurers, Collectors, Surveyors, and other Persons, at pleasure, and to fix the Number and Description of Officers to be employed in the Execution of this Act, and the Wages to be paid to them respectively, whether appointed by themselves or not, and to increase or diminish their Numbers from Time to Time as they shall see Cause, and to make Orders and Regulations for their Government; and the Commissioners shall have Power also to purchase such Lands and Premises as shall be required for the Purposes of this Act, and shall also have full Power and Authority to make all necessary Rules, Orders, Regulations, and Byelaws, except as otherwise herein provided, relative to the watching, lighting with Gas or otherwise, paving, cleansing the Streets, whether public or private, cleansing and lighting of common Stairs or Passages or private Courts, or to the Supply and Distribution of Water and Gas to the same, in so far as the Powers of this Act may apply to these Objects in the Burgh, and for carrying fully into effect all the Objects and Purposes and Provisions of this Act, and shall enact Penalties for enforcing the same, which Penalties shall not exceed in any Case the Sum of Forty Shillings, except as otherwise herein provided, and to execute the whole other Matters specified in this Act and committed to their Charge: Provided always, that the Rules and Regulations so to be made shall not be contrary to the Law of Scotland, or to anything in this Act contained.

PART I. Adoption of the Act. Sect. 7.

65. The Commissioners, or any Committee of their Body thereunto specially empowered, may contract with any Person for carrying into execution any of the Operations hereby authorized; and such Contract shall be signed by the Preses and Clerk in name of the Meeting at which such Agreement or Contract shall be made.

Commissioners may contract for Execution of Works.

66. The Monies arising from the Assessments hereby authorized to be levied, and all other Property acquired by the Commissioners in pursuance of the Powers hereby granted, shall be and the same are hereby vested in the Commissioners and their Successors, for the Uses and Purposes mentioned in this Act, and for no other Purpose whatever.

Property vested in Commissioners.

67. The Commissioners shall appoint a Clerk for keeping the Records of the Proceedings of the Commissioners and their Committees, which Records shall contain accurate Minutes of the Proceedings and Orders of the Commissioners and their Committees,

Clerk to be appointed.

PART I. Adoption of the Act. Sect. 7.

and, being signed by the Preses of each respective Meeting, or any Copy or Extract therefrom, authenticated by the Signature of the Clerk, shall be received as Evidence in all Courts whatsoever, in any Case or Matters concerning this Act.

Clerk not to be concerned as Agent, &c. in any Prosecution under this Act.

68. No Person who may be appointed the Clerk in the Execution of this Act, or the Partner of any such Clerk, or any Person in the Employ of such Clerk or of his Partner, shall act as Agent or Solicitor in the Trial of any Offence under this Act committed within the Limits of the Burgh, as fixed for the Purposes of this Act; and in the event of a Contravention of such Provisions such Clerk shall be thenceforth disqualified from holding any Office whatever under this Act, and also from acting as a Commissioner under this Act.

Treasurer and Collector to be appointed.

69. The Commissioners shall in like Manner elect and appoint a Treasurer and Collector to act during their Pleasure; and such Collector and Treasurer, before they shall be permitted to take upon them the Execution of their Office, shall respectively grant Bond, with sufficient Sureties, to the Commissioners, for their Intromissions, and for the just and faithful Execution of their Office, to such an Amount as the Commissioners shall think reasonable; and any Collector or Treasurer who may be convicted of wilfully secreting or not accounting to the Commissioners for any Sum of Money received by him as Collector or Treasurer shall forfeit triple the Amount thereof to the Commissioners.

Allowance to Clerk, Treasurer, and Collector.

70. The Commissioners may allow reasonable Salaries to the Clerk and Treasurer; and the Collector shall be allowed for his Trouble in collecting Assessments authorized to be levied under this Act a Sum not exceeding the Rate of Five Pounds per Centum upon all such Sums of Money as he shall collect and receive.

Collector to lodge all Monies received by him in Bank.

71. Such Collector shall be obliged to lodge all Money received by him in a chartered or other Bank, or in One of the Branches of such Bank in the Burgh, to be fixed by the Commissioners, upon an Account to be opened in the Name of the Commissioners, and to be operated upon by the Treasurer for the Time; and such Treasurer shall make no Drafts on the said Account for any private Purpose on any Pretence whatever, nor for any other Purpose than the Payments which shall from Time to Time be authorized by the Commissioners or their Committees for the Purposes of this Act, as the same shall be certified to the said Treasurer by the Clerk to the Commissioners, who shall countersign all such Drafts.

72. In

On Insolvency of Treasurers or Collectors, Deficiency may be assessed.

72. In case any Treasurer or Collector shall become insolvent, and the Sums chargeable against him shall not have been paid by his Cautioners or Sureties, then and in every such Case the Sum deficient shall be chargeable against, and form a Burden upon the next annual Assessment.

Treasurer and Collector may be the same Person, but Clerk and Treasurer not to be the same Person.

73. It shall be lawful for the Commissioners to appoint the same Person to be both Treasurer and Collector for the Purposes of this Act; but it shall not be lawful for the Commissioners to appoint any Person who may be appointed their Clerk in the Execution of this Act, or the Partner of such Clerk, or any Clerk or other Person in the Service or Employ of such Clerk or of his Partner, to be the Treasurer for the Purposes of this Act, or to appoint any Person who may be appointed Treasurer or the Partner of such Treasurer, or any Clerk or other Person in the Service or Employ of such Treasurer or of his Partner, to be the Clerk to the Commissioners for the Purposes of this Act; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of such Clerk, or the Clerk or other Person in the Service or Employ of such Clerk or of his Partner, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or, being the Treasurer or the Partner of such Treasurer, or the Clerk or other Person in the Service or Employ of such Treasurer or of his Partner, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any Treasurer shall hold any Place of Profit or Trust under the Commissioners other than that of Collector, every Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, with full Expenses, in the same Manner as any of the Penalties of this Act imposed may be sued for and recovered.

Actions by or against Commissioners, how to be brought, and not to abate.

74. All Actions, Suits, or Proceedings in respect of any Matter or Thing relating to the Execution of this Act, to be brought by or against the Commissioners, shall be in the Name of their Clerk for the Time being, as the Party, Pursuer or Defender, representing the Commissioners; and no Action, Suit, or Proceeding wherein the Commissioners shall be concerned as Pursuers or Defenders in the Name of their Clerk shall cease or abate by the Death, Resignation, or Removal of any such Clerk, or by any Change in the Persons holding Office as Commissioners, but the Clerk to the Commissioners for the Time being shall be deemed to be the Pursuer or Defender, as the Case may be, in every such Action, Suit, or Proceeding.

PART I. Adoption of the Act. Sect. 7.

Books of Accounts to be kept by Commissioners.

75. Accounts of all Property, Heritable and Moveable, vested in the Commissioners, showing the Nature of such Property, and of all Money received and disbursed, shall be kept in Books by the Treasurer or Collector, as the Commissioners may appoint; and all such Books of Accounts may at all seasonable Times be inspected and perused, without Fee or Reward, by any Person assessed, and also by any Person entitled to any Money due and owing on the Credit of such Assessment; and such Persons may take Copies of or Extracts from any such Books and Accounts, without Fee or Reward; and any Person in whose Custody or Power any such Books and Accounts are, who shall refuse Inspection thereof, or to permit Copies or Extracts to be taken as aforesaid, shall be liable in a Penalty not exceeding Ten Pounds; and in case any Person who shall be assessed shall be dissatisfied with any Accounts which shall have been made up as aforesaid, or with any of the Items or Articles contained in such Accounts, such Person may complain against the same by Petition to the Sheriff, in which Complaint shall be specified the Grounds of Objection to such Accounts, Items, or Articles; and the Sheriff shall proceed to hear and determine the Matter of such Complaint, and his Decision shall be final.

Account of Receipt and Application of Monies to be made out by Commissioners, and printed.

76. The Commissioners shall yearly, and previous to their statutory Meeting in the Month of July in each Year, cause to be made out a just and accurate Account of all the Monies received and expended in the Execution of this Act for the Year ending on the Fifteenth Day of May immediately preceding such statutory Meeting, showing from what Sources such Monies have been received, and to what Purposes the same have been laid out and applied; and which Account, so soon as the same shall have been audited, as herein-after provided, shall be laid before such statutory Meeting, and shall be signed by the Preses of said Meeting and the Clerk, and shall be deposited with the Clerk, who shall forthwith cause an Abstract thereof to be printed, and shall permit any Person assessed under this Act to inspect and examine such Accounts at all seasonable Times, without Payment of any Fee or Reward for such Inspection.

Auditor to be appointed by the Commissioners.

77. The Commissioners shall annually appoint a professional Auditor for the Purpose of auditing the Accounts of the Commissioners; and in case the Office of such Auditor shall, before such Accounts are audited by him, become vacant by Death or from any other Cause, the Commissioners shall from Time to Time appoint an Auditor to supply such Vacancy.

Auditor's Report.

78. The Commissioners shall deliver to such Auditor, within One Month after the said Fifteenth Day of May annually, all the Accounts,

Accounts, together with their Books and Vouchers; and it shall be the Duty of such Auditor to audit such Accounts, and either make a special Report thereon, or simply confirm the same; and such Report or Confirmation shall be read with the Account at such Meeting; and if any Dispute arise as to the Amount of Remuneration to be paid to such Auditor, it shall be settled by the Sheriff, whose Decision shall be final.

PART I. Adoption of the Act. Sect. 8.

PART I.

SECTION VIII.—*Orders in Council.*

Power to apply to Privy Council in certain Cases.

79. Whenever it appears desirable to the Magistrates and Council of any Royal or Parliamentary Burgh, or to the Commissioners for executing this Act in any Burgh or populous Place, that Provision should be made in order the better to apply and execute therein the Provisions of this Act, in whole or part, or for the future Application and Execution of any Acts in force therein having Relation to the Purposes of this Act, or to the Roads or Streets within such Burgh or populous Place, or to any other Matter or Thing connected with the Management and Administration of the Municipal or Police Affairs of such Burgh or populous Place, or that any such Acts, or any Exemptions from rating therefrom derived, or that any Provisional Order or Order in Council applying this Act, hereby authorized to be made, should be wholly or partially repealed or altered:

Or whenever it appears desirable to the Magistrates and Council of any Royal or Parliamentary Burgh where there is a Board of Commissioners of Police separate from such Magistrates and Council to unite the Municipal and Police Government and Jurisdiction of any such Royal or Parliamentary Burgh in the Magistrates and Council thereof, to transfer to them all the Powers and Jurisdictions of Police, Paving, Lighting, Watching, and others, granted to the Commissioners of Police by any Local Acts, and to extend such Jurisdictions over the whole Limits of such Burghs:

Or whenever it appears desirable to the Magistrates and Councils, or the Commissioners of Police of contiguous Burghs, that Provision should be made for executing any great Conduits or Main Sewers, or any other Drainage Works necessary for the more effectually draining of such contiguous Burghs:

(1.) The Magistrates and Council, or the Commissioners of any Burgh, or the Magistrates and Councils, or Commissioners, of contiguous Burghs, as the Case may be, may present a Petition to One of Her Majesty's Principal Secretaries of State, praying for such Provision, Repeal, and Alteration as aforesaid, or for any of such Things, and such Petition shall be supported by such Evidence as the said Secretary requires:

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(2.) Upon the Receipt of any such Petition, Inquiry may be directed by such Secretary of State in the District in respect to the several Matters mentioned in the Petition, after giving Fourteen Days Notice of the Time, Place, and Subject of the Inquiry; and, if requisite, the Sheriff shall proceed to the District to make the Inquiry: 5

(3.) The Sheriff shall, for the Purposes of the Inquiry, have Power to call for such Information from the Magistrates and Councils or Commissioners of Police as he may consider necessary, and to do all such Matters and Things as may be expedient for the Purposes of the Inquiry: 10

(4.) It shall be lawful for any of Her Majesty's Principal Secretaries of State to issue a Provisional Order, under his Hand and Seal of Office, in relation to the several Things mentioned in the said Petition, either in accordance with the Frayer thereof, or with such Modifications or Alterations as may appear to him to be requisite. 15

Provision where Mortality exceeds certain Proportions.

80. Where it shall appear, from the Returns made up by the Registrar General of Births, Deaths, and Marriages, from the Deaths registered in a Period of not less than Five Years, that the Number of Deaths annually in any Burgh or populous Place, as defined in this Act, has on an Average exceeded the Proportion of Twenty to a Thousand in a Population of One thousand; Twenty-three to a Thousand in a Population of Five thousand, or Twenty-five to a Thousand in a Population of Twenty thousand and upwards, of the Population of such Burgh or populous Place, the Lords and others of Her Majesty's Most Honourable Privy Council, or any Three or more of them, (the Lord President of the Council, or One of Her Majesty's Principal Secretaries of State, being One,) may, if and when they shall think fit, direct the Sheriff to visit such Burgh or populous Place, and to make public Inquiry, and to examine Witnesses as to the Sewage, Drainage, and Supply of Water, the State of the Burial Grounds, the Number and sanitary Condition of the Inhabitants, and as to any Acts of Parliament in force within such Burgh or populous Place for paving, lighting, cleansing, watching, regulating, supplying with Water, or improving the same, also as to the natural Drainage Areas, and the existing Municipal, Parochial, or other Local Boundaries, and the Boundaries which may be most advantageously adopted for the Purposes of this Act, and as to any other Matters in respect whereof the said Board of Her Majesty's Privy Council may desire to be informed, for the Purpose of enabling them to judge of the Propriety of reporting to Her Majesty or making an Order in Council as herein-after mentioned. 20 25 30 35 40

81. Before

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Procedure thereanent.

81. Before proceeding upon such Inquiry, the said Sheriff shall give Fourteen Days Notice of his Intention to make the same, and of a Time and Place at which he will be prepared to hear all Persons desirous of being heard before him, upon the Subject of such Inquiry, by Advertisement in some One or more of the public Newspapers usually circulated in the Parts to which the Inquiry shall relate, and in such other Manner as may appear to the said Sheriff to be necessary; and if upon such Report it appear to the said Board of Her Majesty's Privy Council to be expedient that this Act or any Part thereof should be applied to the Burgh or populous Place, they shall report to Her Maiesty accordingly; and at any Time after Presentation of such Report it shall be lawful for Her Majesty, by and with the Advice of Her Privy Council, to make an Order in Council, under their Hands and Seal of Office, that this Act or any Part thereof shall be applied to and put in full Force and Operation within such Burgh or populous Place; and if such Order relates to any populous Place, they shall in the said Order mark out, define, and specify the Boundaries of such populous Place, for the Purposes of this Act, and declare that such Place is a populous Place, in Terms of this Act, and otherwise make such Provisions, Regulations, Conditions, and Restrictions with respect to the Application and Execution of this Act or any Part thereof, and with respect to any Local Acts within Burghs possessing such, and the Repeal, Alteration, or future Execution of the same, as they may think necessary, under all the Circumstances of the Case, and such Order shall be recorded in the Sheriff Court Books of the County, and also published in such Manner as the said Board of Her Majesty in Council may direct.

Orders in Council to be confirmed by Parliament.

82. No such Order in Council or Provisional Order hereby authorized to be made shall be of any Validity unless the same has been confirmed by Act of Parliament; and it shall be lawful for the said Board of Her Majesty in Council, or for any One of Her Majesty's Principal Secretaries of State, as soon as conveniently may be, to obtain such Confirmation, and the Acts confirming such Order in Council or Provisional Order shall be deemed to be Public Acts of Parliament.

Costs how to be borne.

83. All Costs, Charges, and Expenses incurred by the said Board or Secretary of State in relation to such Orders in Council or Provisional Orders shall, to such Extent as the Commissioners of Her Majesty's Treasury think proper to direct, become a Charge upon the Police Assessment, and be repaid to the said Commissioners of Her Majesty's Treasury, together with Interest after the yearly Rate of Five Pounds in the One hundred Pounds, to be computed from

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from the Date of the Order, upon so much of the Principal Sum due in respect of the said Costs, Charges, and Expenses as may from Time to Time remain unpaid.

PART II.

ASSESSMENTS.

SECTION I.—*Assessments for Police Purposes.*

Commissioners to make Police Assessment.

84. Once in each Year the Commissioners (being summoned in manner herein-before directed by written or printed Summonses, which shall state that the Meeting is for the Purpose of laying on an Assessment,) shall assess all Occupiers of Lands or Premises within the Burgh, according to the Valuation Roll made up and completed in Terms of the Acts in force for the Valuation of Lands and Heritages in Scotland, subject to the Exceptions herein-after provided, in the Sums necessary to be levied for the Police Purposes of this Act, in so far as the same may have been adopted, and of any Act in force at the Time within such Burgh, and shall fix a Day on which the same shall be payable, and the Rate of Assessment and Day so fixed by the Commissioners shall be published by Handbills posted in the Burgh, and by Advertisement in any Newspaper circulating therein (if any be), or otherwise in some Newspaper circulating in the County in which the Burgh is situated: Provided always, that such Assessment shall be imposed as from the Fifteenth Day of May in any One Year to the Fifteenth Day of May in the following Year, and shall not in any Year exceed a Rate equal to Two Shillings and Sixpence in the Pound of the gross yearly Value of such Lands or Premises where the Enactments of this Act with respect to Water have been adopted, or a Rate equal to One Shilling and Sixpence in the Pound of the gross yearly Value of such Lands or Premises where such Enactments with respect to Water have not been adopted; and such Assessment shall for the Purposes of this Act be called the Police Assessment.

CLAUSE B. Payment of Damages occasioned by Mobs.

85. Out of the Police Assessment hereby authorized, it shall be lawful to the Commissioners to defray, to such Extent as they think proper, such Claims for Damages sustained in consequence of any Riot or Tumult within the Burgh as may be established to their Satisfaction, or, if the Commissioners think proper, they may at any Time impose and levy a special Assessment on all Occupiers of Lands or Premises within the Burgh, according to the said Valuation Roll, for the Sums estimated by them to be necessary for the Purpose of paying such Damages; and such special Assessment being so imposed and

and levied, the Commissioners shall out of the Proceeds thereof discharge such Claims, the same being established to their Satisfaction.

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CLAUSE C. Provision for Assessment for Period less than One Year.

86. Where in any Burgh an Assessment for Police Purposes has been imposed previous to the Adoption of this Act, and is leviable for a Period ending on a Day prior to the Fifteenth Day of May immediately following such Adoption, it shall be lawful to the Commissioners under this Act to impose and levy a Proportion of the Police Assessment hereby authorized, corresponding to the Time intervening between the Date when such Period ended, and the said Fifteenth Day of May.

CLAUSE D. Commissioners may levy Assessments from Owners of Premises under 5*l.*

87. The Commissioners may by Special Order as herein-after defined, but not otherwise, resolve to assess the Owners in place of the Occupiers of all Lands or Premises let at a Rent under Four Pounds, and to levy such Assessment from such Owners; but the Commissioners shall allow to such Owners a Deduction from such Assessment equal to One Fourth of the Amount thereof; and such Assessments shall be recoverable from such Owners, along with any Penalty which may have become exigible thereon, in the same way as is herein-before provided with respect to the Recovery thereof from Occupiers.

Commissioners may grant Relief from Police Assessment in case of Poverty.

88. The Commissioners may, on the Ground of the Poverty or Inability to pay of any Person liable in the Police Assessment under this Act, remit, in whole or in part, Payment of the said Assessment by such Person, in such Manner as the Commissioners shall in their Discretion think just and reasonable, but upon no other Account whatsoever.

Occupiers to pay Police Assessment.

89. The Assessments herein-before authorized to be imposed shall be levied from the Occupiers of Lands or Premises, but Deduction shall be allowed by the Commissioners of the Assessment for any Period during which any Lands or Premises shall not be let or occupied for Three Months consecutively in any One Year, and Owners who shall let for Rent or Hire Lands or Premises for less than a Year shall themselves, as well as the Occupiers, be responsible for the said Assessment applicable to any Period less than a Year, and the same may be recovered from such Owners or from such Occupiers as the Commissioners shall judge expedient.

CLAUSE E. Arable Land, &c. how to be valued.

90. The annual Value of the following Lands or Premises shall for the Assessments under this Act, whether the Enactments with respect to Water have been adopted or not, be held to be the nearest

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aggregate Sum of Pounds Sterling to One Fourth of the annual Value thereof entered in the said Valuation Roll; viz.

1. All Lands and Premises used exclusively as a Canal or Basin of a Canal, or Towing-path for the same, or as a Railway constructed under the Powers of any Act of Parliament for public Conveyance, excepting the Stations, Depôts, and Buildings, which shall be assessable to the same Extent as other Lands and Premises within the Burgh:
2. All the underground Gas and Water Pipes, or underground Works of any Gas or Water Company:
3. All Woodland, Arable, Meadow, or Pasture Ground:

And where the Enactments with regard to Water have been adopted, the annual Value of all Mines, Minerals, Quarries, and Manufactories within the Burgh shall as regards the Assessment for Water be held to be the nearest aggregate Sum of Pounds Sterling to One Fourth of the annual Value thereof entered in the Valuation Roll; without Prejudice, however, to the Commissioners entering into Agreements for the Supply of Water to such Lands and Premises in manner hereinafter provided; and in the event of any Dispute arising as to the Lands and Premises falling under the above Exemptions, it shall be lawful to the Owner or Occupier of such Lands and Premises to present a Petition to the Sheriff, praying to have the same declared, for the Time being, liable to Assessment upon the said Proportion of their Value only; and the Sheriff shall thereupon order the Petition to be served on the Commissioners, upon a short Induciæ, and after hearing Parties, and taking such Evidence as he shall think necessary, shall pronounce such Judgment as to him shall seem just and right.

Police Assessment Roll to be made up.

91. The Commissioners shall annually cause to be made up a Roll or Book of Assessment from the Valuation Roll aforesaid, showing the yearly Rent or Value of the Lands or Premises in the Burgh liable to be assessed under this Act for the Assessments herein authorized to be levied, and according to which such Assessments under this Act are intended to be levied; and in such Roll or Book of Assessment there shall in no Case be entered any fractional Part of a Pound of the assessable yearly Rent or Value aforesaid; and when such fractional Part shall not amount to Ten Shillings, the Sum shall not be entered at all in such yearly Rent or Value; and when such fractional Part shall amount to or exceed Ten Shillings, the Sum shall be entered as One Pound of such yearly Rent or Value, in addition to the actual Number of Pounds of such Rent or Value, and shall be assessed accordingly; and such Roll or Book of Assessment shall be open to Inspection by all Ratepayers, in the Hands of the Collector or other Officer appointed by the Commissioners for that Purpose, during the whole Period which shall intervene

intervene between the Date of laying on the annual Assessment and the Day appointed for Payment thereof; and the Commissioners shall have Power to rectify any Error which may be found in such Roll or Book.

Recovery of Rates.

5 **92.** If any Person assessed under this Act shall refuse or neglect to pay any Assessment herein-before authorized to be levied, or any Portion thereof, on or before the Expiry of Three Months after such Assessment is declared payable, the Collector may make an Attestation in Writing setting forth that the said Person has failed to 10 pay such Assessment, or any Portion thereof, notwithstanding the same has been demanded from him by the said Collector by a printed Notice delivered to or left for him on the Premises in respect of which such Assessment is made, and such Attestation being made it shall be lawful for the Collector to make Application to the 15 Sheriff, or to any One of the Magistrates of Police, or other Magistrates of the Burgh, who, upon such Application, and Production therewith of such Attestation, shall grant summary Warrant for Recovery of the said Assessment, or the Portion thereof remaining unpaid, and One Penny upon each Pound of the Rental of the Lands 20 or Premises in respect of which such Person is assessed in addition, in Name of Penalty, which Attestation, Application, and Warrant shall be in the Form, as near as may be, contained in Schedule (D.) hereunto annexed: Provided always, that nothing herein contained shall prejudice the Right of the Collector, at any Time after the said 25 Assessment shall be payable, to prosecute, as he is hereby empowered to prosecute for, and recover all or any Part of such Assessment in arrear, before the Sheriff's Small Debt Court, or by any other legal Form of Proceeding; and the Collector shall be bound to preserve the Warrants of all Seizures or Sales made under and in virtue 30 hereof, and shall enter in a Book to be kept for that Purpose the Names of the Parties proceeded against, the Assessment due, the Expense of the Proceedings, and the true Proceeds of each Sale, which Book shall be open to the Inspection (without any Fee) of all Parties interested, for Three Months after the Date of each Sale 35 respectively; and at any Time within that Period it shall be competent to any Party considering himself aggrieved to complain to such Sheriff or Magistrate of anything done unjustly or oppressively in regard to such Seizure or Sale, such Complaints being made in the Form of Petitions subscribed by the Complainer, and the 40 Decision of such Sheriff or Magistrate shall be final.

Misnomers &c. not to affect Proceedings for Recovery of Assessments

93. No Misnomer, Mistake, or Informality committed in any Proceedings for Recovery of such Assessments, or any other Assessment, Rate, Charge, or Expenses under this Act, shall prejudice the

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Recovery thereof, nor shall such Proceedings fall, lapse, cease, or abate by the Death, Resignation, or Removal of the Collector instituting the same, or by any Change in the Persons holding Office as Commissioners, but it shall be lawful for the Collector for the Time to prosecute and follow forth Procedure commenced and carried on in the Name of any previous Collector in all respects as if such Procedure had been taken by himself: Provided always, that it shall not be competent for any Person to sue, nor for any Court of Law to entertain, any Action or Proceeding against the Commissioners, or the Collector or Officers or other Persons employed in executing any Warrant in reference to any Assessment, Rate, Charge, or Expense under this Act, by reason of any Misnomer, Mistake, or Informality, if the Goods or other Effects seized or sold under such Warrant were bonâ fide the Property or in the lawful Possession of the Person actually liable in Payment thereof under the Provisions of this Act.

Assessments to be recoverable beyond Burgh.

94. In case any Person liable in Payment of the Assessments herein-before authorized to be levied, shall remove to any Place beyond the Burgh, it shall nevertheless be lawful for the Commissioners, and their Collectors and Treasurers or other Officers, to put the Decrees and Warrants which may be granted for the Recovery of such Assessments in manner before mentioned into execution within or beyond the Burgh, in the same Manner as if such Person had continued to reside within the Burgh, such Decrees or Warrants being first endorsed by a Magistrate or Sheriff or Justice of the Peace for the Burgh or County within which they are to be put into execution.

Common Good may contribute towards the Purposes of this Act.

95. When the Provisions of this Act, or any Part thereof, shall have been adopted in any Burgh possessed of any free Income arising from the Common Good of such Burgh, after Deduction of the Interest of any Debt which such Burgh may owe, and also the necessary annual Outgoings of such Burgh, there may be annually contributed therefrom such a reasonable Proportion towards the Police Purposes of this Act as the Town Council of such Burgh, having due Regard to the Extinction of the Capital of such Debt, shall think just: Provided that nothing herein contained shall prejudice the Rights of the Creditors of any Burgh secured by Local Acts of Parliament or otherwise; and further, that the Adoption of this Act, in whole or in part, shall not relieve the Common Good of any Burgh from Payment of any Sum which such Burgh is at present bound by any Local Act to contribute towards the Police Expenses of the Burgh.

PART

PART II.

SECTION II.—*Assessments for Sewers, Foot Pavements, and General and Private Improvements.*

Assessments for Sewers, Foot Pavements, and General and Private Improvements.

(1.) *Sewers.*

Where new Sewers are made, Commissioners may impose a Special Sewer Rates.

96. Whenever the Commissioners shall resolve to make any new Sewer, they may charge the Owners of all the Lands or Premises liable to contribute to the Rates for making the same with Special Sewer Rates, over and above any other Assessment or Rates to which such Persons may be liable under this Act, and such Rate shall, for the Purposes of this Act, be called the "Special Sewer Rate."

Commissioners may impose a General Sewer Rate distinct from other Rates.

97. The Commissioners shall, if necessary, impose a Sewer Rate, to be called for the Purposes of this Act the "General Sewer Rate," distinct from any other Rate which they are authorized to make under this Act, to be applied in maintaining and clearing the Sewers, and all other Expenses connected with such Sewers not herein otherwise provided for, or which may not be fully defrayed by the Special Sewer Rate, and for securing and paying off any Monies which may be borrowed on the Security of the Special Sewer Rate under the Provisions of this Act, and the Interest of such Monies which the Special Sewer Rates shall be insufficient to defray.

Commissioners may assess.

98. The Commissioners may from Time to Time make Assessments in respect of the said Special Sewer Rate and General Sewer Rate hereby authorized to be levied on the Owners of all Lands or Premises within the Burgh, or within separate and distinct Districts, and that in proportion to the Valuation of such Lands or Premises as fixed by the Valuation Roll aforesaid; and in every Case in which the Commissioners shall see fit to make the said Assessments or either of them on separate and distinct Districts, they shall cause every such District to be described and defined as herein-after to be provided.

Rates to be levied on separate and distinct Districts.

99. The Commissioners may, in making the said Assessments for separate and distinct Districts, appoint, if they see fit, Surveyors, Collectors, and other Officers for every such District, and they shall cause separate and distinct Accounts to be kept of all Monies collected and received under any Rate in each distinct District, and of all Payments and Disbursements in respect thereof, and they shall apply the Monies to be collected and received from each distinct District under any such Rate as aforesaid for the several Purposes to which the same may be lawfully applied under the Authority of this Act, but so nevertheless that each District shall, as near as may be,

PART II. Assessments. Sect. 2.

be, bear its own Expenses; and in case any such Expenses shall apply to or be incurred in respect of Two or more Districts, the same shall be apportioned and divided between such Districts in such Manner as the Commissioners shall consider fair and equitable.

Where Premises were sufficiently drained before making new Sewer, Owner to have a Reduction made in his Rates.

100. Where in the Judgment of the Commissioners any Premises were sufficiently drained before the making of such new Sewer, the Owners thereof shall be entitled to have such Deduction made from the Special Sewer Rates to which they would otherwise be liable in respect of the making of such new Sewer, having regard to the Cost of making such new Sewer, and to the Value and Efficiency of such old Sewer; and whenever any old Sewer is enlarged, or open Sewer closed, the Expense of such Enlargement, or of closing such open Sewer, shall be defrayed in like Manner as if it had been incurred in making a new Sewer.

(2.) *Foot Pavements.*

CLAUSE F. Assessment for Maintenance and Repair of Foot Pavements.

101. Whenever the Commissioners shall resolve, in manner after provided for, to undertake the Maintenance and Repair of the Foot Pavements in any Burgh, by means of a General Assessment, it shall be lawful for them to charge all Owners of Lands or Premises within such Burgh, according to the said Valuation Roll, with a Special Paving Assessment equal to but not exceeding Twopence in the Pound of the gross yearly Value of such Lands or Premises, over and above any other Assessment or Rates to which such Persons may be liable under this Act, and which Special Assessment shall, for the Purposes of this Act, be called "The Foot Pavement Rate," and shall be leviable either from the Owner or Occupier of such Lands or Premises, but the latter shall be entitled on Payment thereof to deduct the same from his Rent; and such Assessment, so far as the Occupier is concerned, shall be recoverable in such and the like Manner as the Police Assessment is authorized to be recovered.

(3.) *General Improvements.*

CLAUSE G. General Improvement Assessment.

102. Whenever the Commissioners in any Burgh shall resolve, in manner after provided for, to make Provision for the General Improvement of the Burgh, it shall be lawful for them to charge, in equal Proportions, all Owners and Occupiers of Lands or Premises within such Burgh, according to the said Valuation Roll, with a Special Assessment equal to but not exceeding One Penny in the Pound of the gross yearly Value of such Lands or Premises, over and above any other Assessment or Rate to which such Persons may be liable under this Act, and which Special Assessment shall, for the Purposes of this Act, be called the "General Improvement Rate," and shall be leviable either from the Owner or Occupier of such Lands or

or Premises, and the latter shall be entitled on Payment thereof to deduct from his Rent the Proportion payable by the Owner; and such Assessment, so far as the Occupier is concerned, shall be recoverable in such and the like Manner as the Police Assessment is authorized to be recovered.

(4.) *Private Improvements.*

Assessment for private Improvements.

103. Where by the Provisions of this Act the Owner or Occupier, as the Case may be, of any Premises is directed or falls to do any Work, Matter, or Thing in relation to the same, and the Work, through the Failure or Delay of the Owner or Occupier to execute it, shall be done by the Commissioners, or where Expenses are incurred by the Commissioners for or in respect of any Premises, in order to carry out the Provisions of this Act, the Commissioners shall charge the Owner or Occupier of the Premises with the said Expenses or Special Rates therefor, over and above any other Assessments or Rates to which such Owner or Occupier may be liable under this Act, and such Expenses or Special Rates shall, for the Purposes of this Act, be called the "Private Improvement Assessment."

The Rates and Assessment to be Burdens on the Premises.

104. Such Special Sewer Rate, General Sewer Rate, Private Improvement Assessment shall, with the legal Interest thereof from the Time when the same shall be declared payable, together with all Expenses incurred in the Recovery thereof, continue Burdens on the Lands or Premises liable for the same, or in respect of which the same shall be payable, but that only for Three Years from the Date when the same shall be respectively payable, as against bonâ fide Singular Successors or Heritable Creditors.

CLAUSE H. Collector of Rates to grant Certificate.

105. The Collector in any Burgh shall, when required by any Person, be bound to furnish to such Person a Certificate under his Hand in the Form of Schedule (E.) hereunto annexed, showing, with reference to any Premises, what Arrears of such Rates or Assessments, if any, are past due, and the Name of the Owner and Occupier of such Premises as appearing in his Books, and also whether any and what Instalments of such Rates or Assessments are still chargeable in respect of such Premises: Provided always, that for each Certificate in respect of Premises separately entered or charged in the Assessment Books he shall be entitled to a Fee of Two Shillings and Sixpence from the Person requiring the same; for which Fee, or for such Portion thereof as the Commissioners may direct, the Collector shall be bound to account to the Commissioners, if required by them.

Rates and Assessment how to be imposed, and

106. The said Rates or Assessments may be imposed and levied yearly, half-yearly, or at such other Periods as the Commissioners may

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how Appeals to be entered and disposed of.

may think fit, and shall be payable at such Times as they appoint; and at the Meeting imposing the same the Commissioners shall appoint a Day on which such Rates or Assessments shall be payable, and another Day on which Appeals by any Parties complaining that they have been improperly rated or assessed may be lodged with the Clerk or Collector, and another Day or Days on which Appeals in reference to such Rates or Assessments shall be heard by the Commissioners; and Notice to each Party intended to be so rated or assessed, stating the Particulars of the intended Rate or Assessment as regards such Party, and specifying the several Days fixed by the Commissioners as aforesaid, shall be sent by the Clerk or Collector through the Post Office, at least Two Weeks preceding the Day which may be fixed for hearing the Appeal of such Party, and the Decision of the Commissioners upon all such Appeals shall be final; but the Commissioners may rectify such Rate or Assessment so appealed against.

Recovery of the said Rates and Assessment.

107. As soon as may be after disposing of the Appeals against any such Rate or Assessment, the Commissioners shall cause to be made up a Roll or Book of Assessment or separate Rolls or Books of Assessments applicable thereto, and the same, or a Copy thereof, docqueted and signed by the Clerk and any Two of the Commissioners, shall forthwith be delivered over to the Collector as the Rule for levying and collecting the said Rates or Assessments; and if the said Rates or Assessments shall not be paid when the same fall due, the Collector shall take legal Proceedings for Recovery of the same, together with the legal Interest thereof from the Day fixed for Payment thereof as aforesaid, in the same Way and Manner as is herein-before provided for Recovery of the Police Assessment under this Act, or the said Rates or Assessments, or any Part thereof, and Interest, with the Expenses attending the Recovery of the same, may be recovered in the same Way and Manner as Debts are recoverable by the Law of Scotland.

Application of Surplus Assessment.

108. If any Surplus of any Rate or Assessment under this Act shall remain at the End of any Year after the whole Expenses for which such Rate or Assessment was imposed and levied shall have been paid or provided for, every such Surplus respectively shall, except as herein-after provided for, be applied towards the same Purpose in the Year following; and if any such Rate or Assessment for any Year shall not be sufficient for the Purpose for which it was imposed and levied, the Commissioners shall and they are hereby authorized and required to make Provision for the Payment of such Deficiency by Assessment or Rate for the Purpose in the following Year or Years, until the same shall be fully paid.

PART

PART III.

APPOINTMENT OF OFFICERS.

SECTION I.—*Appointment of Surveyor, Inspector, and Officer of Health.*

Commissioners may appoint a Surveyor.

5 **109.** The Commissioners may from Time to Time, and as often as they shall think proper, appoint a Person duly qualified to act as a local Surveyor of the Paving and Drainage and other Works authorized under the Provisions of this Act, and may fix the Salary to be paid to such Surveyor, and pay such Salary out of the several 10 Assessments or Rates levied under this Act, and that in such Proportions therefrom as the Commissioners shall see proper.

Commissioners may appoint an Inspector of Cleansing.

110. The Commissioners may appoint some Person, by the Title of "Inspector of Cleansing," to superintend and enforce the due Execution of all Duties to be performed by the Scavengers appointed 15 under this Act, and to report to the Commissioners any Breach of the Provisions of this Act, or of the Byelaws, Rules, and Regulations of the Commissioners, and the Commissioners shall duly publish the Name of any Inspector of Cleansing appointed by them, and shall require him to provide and keep a Book in which shall be entered all reasonable 20 Complaints made by any Inhabitant of the Burgh of any Breach of the Provisions of this Act, or of the Byelaws, Rules, and Regulations made by the Commissioners; and the Inspector of Cleansing shall forthwith inquire into the Truth of such Complaints, and report upon the same to the Commissioners at their next Meeting; and 25 such Report, and the Order of the Commissioners thereon, shall be entered in the said Book, which shall be kept at the Office of the Commissioners, and shall be open at all reasonable Times to the Inspection of any Householder of the Burgh or other Person interested.

Commissioners may appoint Officer of Health.

30 **111.** The Commissioners may, if they think fit, appoint a Person of competent Skill and Experience, who shall be styled the "Officer of Health," and whose Duty it shall be to ascertain the Existence of Disease within the Limits appointed to him, especially of epidemic, endemic, and contagious Diseases, and to point out any local 35 Causes likely to occasion or continue such Diseases or otherwise injure the Health of the Inhabitants, and to point out the best Means of checking or preventing the Spread of such Diseases, and from Time to Time, as required by the Commissioners, to report to them upon the Matters aforesaid, and to perform any other Duties of a like

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Nature which may be required of him; and the Commissioners shall fix the Salary to be paid to such Officers, and shall pay such Salary out of the Police Assessment hereby authorized to be levied; and the Commissioners may, with the Approval of One of Her Majesty's Principal Secretaries of State, remove any such Officer of Health, or, with the like Approval, discontinue any such Officer. 5

Same Person may be Surveyor and Inspector.

112. The Commissioners may, if they think fit, appoint the same Person to be both Surveyor of Paving and Drainage and Inspector of Cleansing.

Commissioners to provide Offices for Surveyor and Inspector.

113. The Commissioners may provide Offices for the Use of the Surveyor, Inspector, and Officer of Health in some convenient Place within the Burgh, either in connexion with their own Office or otherwise, as may be most convenient, and shall cause due Notice thereof to be given Twice at least in some Newspaper circulating within the Burgh. 10 15

PART III.

Constables, &c.

SECTION II.—*Appointment, Powers, Duties, and Privileges of Constables.*

Appointment of Superintendent of Police and of Constables.

114. The Commissioners shall from Time to Time appoint, at a fixed annual Salary, a Superintendent of Police, who shall not be removable or subject to have his Salary diminished by the Commissioners, unless with the Approbation of the Chief Magistrate of the Burgh, or of the Senior Magistrate of Police, and the Sheriff, or, in case of their differing in opinion, of Her Majesty's Advocate for the Time being; and as often as the Commissioners shall fix the Number of Constables which they shall judge necessary for the Burgh, the said Superintendent of Police is hereby authorized and empowered to appoint proper Persons for the Duty, and to direct their Distribution within the Burgh, and to remove them at pleasure; and the Superintendent of Police may also be appointed Surveyor of Paving and Draining and Inspector of Cleansing. 20 25 30

CLAUSE I. Constables may execute Warrants, &c.

115. All Warrants and Deliverances which may be issued in any Criminal Proceeding arising within the Burgh by the Sheriff of the County may, with the Consent of the Commissioners, be served and executed, and all Services, Citations, and Executions in any such Criminal Proceeding before such Sheriff may be made and given by the Superintendent of Police or any Constable of the Burgh appointed under this Act. 35

116. It

PART III. Appointment of Officers. Sect. 2.

CLAUSE K. Constables to account for Fees.

116. It shall not be lawful for any Constable acting under this Act to receive to his own Use any Fee for the Performance of any Act done by him in the Execution of his Duty as such Constable, but this Enactment shall not extend to prevent the Receipt by any such Constable of any Fee or other Payment which he may be liable to account for or pay over to the Commissioners or otherways for the Use of the Burgh.

Duties of Superintendent of Police and Constables.

117. It shall be the Duty of the Superintendent of Police, and of the Constables to be appointed by him, to guard, patrol, and watch within the Burgh, according to the Regulations to be prescribed by the Superintendent of Police, under the Control of the Commissioners; and it shall be lawful for the said Superintendent or any Constable of Police, without any other Warrant than this Act, to apprehend and to bring before the Magistrates of Police all Persons who may be found within the Burgh actually committing any criminal, riotous, or disorderly Conduct or Act, or accused or suspected of having committed Crimes, Delinquencies, or Offences, of whatsoever Description, and at what Place and Period soever the same may have been or are suspected to have been committed, whether the same be of such a Kind as can be competently tried before the Magistrates of Police, or be of a Nature requiring to be remitted for Trial before another Tribunal, or which, from having been committed beyond the Bounds of the Burgh, fall to be tried in another Jurisdiction; and it shall be the Duty of the said Superintendent and Constables to carry into full Effect the whole Provisions and Regulations herein contained, and any Rules, Regulations, or Byelaws which may be made under this Act for the proper guarding, patrolling, and watching within the Burgh; and the Superintendent of Police and Constables shall at all Times afford their Aid and Assistance to the Magistrates of Police, and all other Judges and Magistrates having Jurisdiction within the Burgh, in all Matters relating to the Preservation of Peace and good Order, the Suppression of Nuisances, and the Removal of Obstructions within the Burgh, and they shall give Attendance at the Police Courts of the Burgh, and, when required, at all Meetings of the Commissioners or their Committees, and furnish them with all Explanations relating to Matters falling within their several Departments of Duty.

CLAUSE L. Power to detach Constables to other Places.

118. On the Requisition of the Sheriff of any County or Chief Magistrate of any Burgh in Scotland the Superintendent of Police shall, if so directed by the Magistrates, or in case of Urgency by the acting Chief Magistrate, detach Constables to act in other Counties or Burghs, Guarantee being obtained for Outlay and Expense, and also for Provision in case of Officers being injured or killed.

 119. The

PART III. Appointment of Officers. Sect. 2.

Powers and Privileges of Superintendent of Police and Constables.

119. The Superintendent of Police and Constables shall have all the Powers and Privileges appertaining for the Time being to any Constable by the Law of Scotland, as well as all the Powers and Privileges specially conferred on Constables by this Act; and the Superintendent of Police shall be a Constable within the Meaning of this Act.

Constables not to resign without Leave or Notice.

120. No Constable appointed under this Act shall resign his Office, or withdraw himself from the Duties thereof, unless expressly allowed so to do in Writing by the Commissioners or by the Superintendent of Police, or until after he has given to the Superintendent of Police One Month's Notice; and every Constable who so resigns or withdraws himself without such Leave or Notice shall be liable to forfeit all Arrears of Pay then due to him, and to a Penalty of not more than Five Pounds, or to Imprisonment for a Period not exceeding Fourteen Days.

Commissioners to fix Salaries of Constables.

121. It shall be lawful for the Commissioners to fix and appoint suitable Wages to the Constables and other Persons employed by them, to pay the necessary Expenses incurred by them in the Execution of the Duty of their respective Offices, and to reward them for meritorious Services, and also to make Provision for any Superintendent, Constable, or other Servant of the Establishment employed for any of the Purposes of this Act who may at any Time be disabled in the Execution of his Duty.

Constables dismissed to deliver up Accoutrements.

122. Every Constable appointed under this Act who is dismissed from or ceases to hold or exercise his Office shall forthwith deliver over to the Superintendent of Police, or to such Person and at such Time and Place as the Commissioners direct, all the Clothing, Accoutrements, Appointments, and other Necessaries which have been supplied to him for the Execution of his Duty, under pain of Imprisonment, with or without Hard Labour, for any Time not exceeding One Month; and the Sheriff or any Magistrate may grant Warrant to search for and seize, for the Use of the Commissioners, all the Clothing, Accoutrements, Appointments, and other Necessaries not so delivered over, wherever the same are found.

Penalty for unlawful Possession of Accoutrements, or for assuming the Dress of Constables.

123. Every Person who, not being at the Time a Constable appointed under this Act, has in his Possession any Article being Part of the Clothing, Accoutrements, or Appointments supplied to any such Constable, and who is not able satisfactorily to account for his Possession thereof, or who puts on the Dress, or takes the Name, Designation, or Character of any Person appointed as such Constable, for the Purpose of thereby obtaining Admission into any House or other

other Place, or of doing or procuring to be done any Act which such Person would not be entitled to do or procure to be done of his own Authority, or for any other unlawful Purpose, shall, in addition to any other Punishment to which he is liable for such Offence, be liable to a Penalty not exceeding Ten Pounds.

PART III. Appointment of Officers. Sect. 2.

124. Every Constable who is guilty of any Neglect or Violation of his Duty as a Constable, and convicted thereof before the Sheriff or a Magistrate, shall be liable to a Penalty not exceeding Ten Pounds, the Amount of which Penalty may be deducted from the Salary or Wages due to him or to become due to him, or, in the Discretion of the Sheriff or Magistrate before whom he is convicted, he may be lawfully imprisoned for any Time not exceeding One Month, with or without Hard Labour.

Penalty for Neglect of Duty.

125. The Commissioners may from Time to Time purchase or rent any Buildings or Land, and convert such Buildings into, or build on such Land, Offices, Watch-houses, Lock-up Houses and other Places necessary for the Purposes of this Act, with all proper Conveniences thereto, and may repair the same from Time to Time, and furnish and fit up the same, and employ proper Persons to take care thereof.

Power to provide Offices, Watch-houses, &c.

PART IV.

ORDINARY POLICE PURPOSES.

SECTION I.—*Lighting of Burghs.*

126. It shall be lawful for the Commissioners to make Provision for lighting in a suitable Manner the whole Streets, Lanes, Squares, public Passages, Thoroughfares, and Places within the Burgh, and to provide, erect, and maintain such a Number of Lamps, Lamp Posts, and Lamp Irons, and other Appurtenances, as may be necessary for that Purpose, and to light, or to enter into Contracts for lighting, and cause to be lighted, such Lamps by means of Oil or Gas, or such other Light of an improved Kind as they may find expedient; and the Commissioners are hereby authorized to order the Lamp Irons and Lamps to be fixed either upon the Sides of the Causeways, Streets, and Roads, or upon the Curbstones of the Pavements or Footways, or at or upon the Rails or in or upon the Walls of Buildings on the Sides of the Streets, as they shall think proper, without being liable to any Claim for Compensation thereanent.

Streets to be lighted.

127. If any Person shall take away, or wilfully break, throw down, or damage, any Lamp or Lamp Post, or wilfully extinguish the Light or

Penalty for wilfully breaking Lamps.

PART IV. Police Purposes. Sect. 1.

or damage the Iron or Appurtenances of any Lamp, it shall be lawful for any Person who shall see any such Offence committed to seize and apprehend, and for any Person to assist in seizing the Offender, and by the Authority of this Act, without any other Warrant, to convey such Offender to the Police Office, or to deliver him into the Custody of a Police Officer, Watchman, or Constable or other Officer, in order to be secured and taken before a Magistrate; and if the Person accused of such Offence, whether apprehended as aforesaid or afterwards cited for the same, shall be convicted thereof, either by his own Confession or on the Evidence of One credible Witness or other legal Evidence, such Person so convicted shall forfeit a Sum not exceeding Ten Pounds for every such Offence, and moreover shall make Satisfaction for the Damages so done by him; and in case such Offender shall not immediately on Conviction pay such Penalty and make such Satisfaction as aforesaid, such Magistrate is hereby empowered, in the summary Manner authorized by this Act, to commit such Offender to Prison for a Space not exceeding Three Months.

Persons accidentally breaking Lamps to repair the Damage.

128. If any Person shall, through Negligence or Accident, break any Lamp set up in any Street, public or private, or in any common Stair or Passage, or private Court, and shall not, upon Demand, make satisfaction for such Damage, it shall be lawful for any of the Magistrates, upon Complaint thereof being established in the Police Court, under the summary Procedure authorized by this Act, to award such Sum of Money as the Damage proved shall amount to; and if the Sum so awarded shall not be forthwith paid upon Conviction, it shall be lawful to enforce Payment thereof in the same Manner as Penalties are directed to be recovered under this Act.

Price to be paid for Gas to be ascertained in case of Dispute.

129. If the Commissioners and the Owners of any Gasworks authorized by Act of Parliament to supply Gas within the Burgh, and with whom the Commissioners shall be desirous of contracting, shall not agree as to the Terms and Conditions of the Supply, and as to the Price to be paid for such Supply, then such Terms and Conditions and Price shall be settled by Arbitration, and for that Purpose the Clauses of "The Lands Clauses Consolidation (Scotland) Act, 1845," with respect to the Settlement of Disputes by Arbitration, shall be and is hereby incorporated with this Act, and the Expression "the Undertakers" in the said Act shall, in reference to this Act, mean the Commissioners.

Owners to provide Lamps for common Stairs, &c.

130. The Owner or Owners of common Stairs or Passages or private Courts, or of Lands or Premises having a Right of Access by any common Stair or Passage or private Court, shall, when required

required by the Commissioners, within Seven Days next after Service of an Order for that Purpose, make Provisions for lighting such common Stair or Passage or Court in a suitable Manner, and for that Purpose provide and erect all necessary Lamps, and alter, repair, and renew such Lamps to the Satisfaction of the Commissioners; and in default of Compliance with any such Order such Owner or Owners shall be liable to a Penalty not exceeding Forty Shillings for every Day that he or they shall so make default.

PART IV. Police Purposes. Sect. 2.

131. If the Lamp or Lamps which may be erected in any such common Stair or Passage or private Court is or are not regularly cleaned and lighted during such Hours as are from Time to Time fixed by the Commissioners, by the Occupier of any Building or Part of a Building to which Access is obtained by such common Stair or Passage or private Court, every such Occupier failing to do so, whether under Obligation by Contract, or in virtue of this Provision, shall be liable to a Penalty not exceeding Ten Shillings for each Offence.

Penalty for not keeping common Stairs, &c. lighted.

PART IV.

SECTION II.—*Cleansing Streets.*

Cleansing Streets.

132. The Dust, Dung, Ashes, Rubbish, and Filth (excepting always Stable and Byre Dung) within the Burgh shall be and the same are hereby vested in the Commissioners, who shall have Power to sell and dispose of the same as they think proper, and the Money arising therefrom shall be applied to the Police Purposes of this Act; and the Commissioners shall cause all the Streets, public or private, together with the Foot Pavements, from Time to Time to be properly swept and cleansed, and all the Dust, Dung, Ashes, Rubbish, and Filth to be collected from such Streets, Privies, Sewers, Cesspools, Houses, or Premises, and to be removed at such convenient Hours and Times as they shall consider proper.

Dust, &c., collected to be vested in the Commissioners.

133. The Commissioners may from Time to Time provide Places convenient for the Deposit of the Night Soil, Dung, Ashes, and other Filth and Rubbish to be collected under the Authority of this Act, and for stabling and keeping all Horses, Carts, Implements, and other Things required for the Purposes of this Act; and for any of such Purposes the Commissioners may purchase or hire any Lands or Premises by them considered necessary, or they may cause any new Buildings to be made upon any Lands which shall be purchased or hired by them under the Provisions of this Act.

Commissioners may provide Lands, &c. for Deposit of Soil and Materials.

134. The Commissioners, if they think fit so to do, may cause any Number of moveable or fixed Dust Boxes or other Conveniences, wherein

Dust Boxes to be erected by Commissioners.

PART IV. Police Purposes. Sect. 2.

wherein Dust and Ashes may be deposited until removed and carried away, to be provided and placed in such of the public and private Streets as they shall judge necessary, and may require the Occupiers of Premises within such Streets to cause all their Dust and Ashes to be deposited daily in the said Dust Boxes or other Conveniences; and every Person who, being so required, shall fail to deposit or cause to be deposited any Ashes or Dust in some of such Dust Boxes or other Conveniences shall for every Offence be liable to a Penalty not exceeding Ten Shillings.

Commissioners may cause public Conveniences to be erected.

135. The Commissioners may erect such public Waterclosets, Privies, and Urinals within the Burgh, and in such Situations as they think fit, and may defray the Expense thereof and of keeping the same in good Order, and may make Compensation for any Injury occasioned to any Person by the Erection thereof, out of the Police Assessment: Provided always, that the doing so shall not become a Nuisance, and any Householder who thinks himself aggrieved thereby may appeal to the Sheriff in manner after provided.

Commissioners to cause Streets to be watered, and Wells, Pumps, &c. to be provided.

136. The Commissioners shall, as often as Occasion requires, cause the public and private Streets to be watered, and they may contract with any Water Company or other Party for a Supply of Water for that Purpose, and for cleansing the Sewers and Drains; and, if necessary, they may place Pipes, Conduits, and Pumps in any such Streets, or provide any other Works and Engines proper for that Purpose, and remove and alter the same when and as they think proper.

Commissioners to appoint Scavengers.

137. The Commissioners shall appoint and employ a sufficient Number of Scavengers, or contract with any Company or Person to employ Scavengers, for sweeping, cleansing, and watering such Streets, and for removing all Dust, Ashes, Rubbish, and Filth therefrom, and for emptying Privies and Cesspools in the Manner by this Act directed; and such Scavengers shall, on such Days and at such Hours and in such Manner as the Commissioners shall from Time to Time appoint, sufficiently execute all such Works and Duties as they have respectively contracted or been employed to perform; and every such Contractor who fails to sweep and properly cleanse or water any such Streets which he has contracted to sweep, cleanse, or water, or who fails to clean out and empty any Privy, Cesspool, Reservoir, or Sewer which he has contracted to clean out and empty, at the Time and in the Manner appointed by the Commissioners, or to collect or remove any Dirt, Ashes, or Rubbish which he has contracted to remove, at the Time and in the Manner prescribed by the Commissioners for that Purpose, or who lays any of such Soil, Dust, Ashes,

Ashes, or Rubbish or Filth in any other Places than such as are appointed by the Commissioners for that Purpose, shall for every such Offence be liable to a Penalty not exceeding Five Pounds: Provided always, that nothing contained in this Act shall extend to or affect the Obligations of Turnpike Road or other Trustees in regard to the Roads under their Management within the Burgh.

Penalty for obstructing Scavengers.

138. Every Person who refuses to permit the said Scavengers to remove such Dirt, Ashes, or Rubbish as by this Act they are authorized to do, or who obstructs the said Scavengers in the Performance of their Duty, shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Penalty on Persons other than Scavengers removing Dirt.

139. Every Person, other than the Person employed by the Commissioners, or by some Person contracting with the Commissioners for that Purpose, who collects or carries away any Dung, Night Soil, Dust, Ashes, Rubbish, or Filth by this Act directed to be collected or removed by the Commissioners, or by Persons employed by them, shall be liable to a Penalty not exceeding Forty Shillings for every such Offence.

Horse and Cow Dung to be kept off the Streets.

140. It shall not be lawful to deposit, except for the Purpose of Removal, any Horse or Cow Dung upon such Streets (Mews or Stable Lanes excepted); and no Horse or Cow Dung, wherever lawfully kept, shall be mixed with any Dung, Soil, Dirt, Ashes, or Filth declared by this Act to be the Property of the Commissioners; and where any Horse or Cow Dung shall be found in any such Streets (excepting as aforesaid), or shall be so mixed, the same shall be taken possession of by the Inspector of Cleansing, and sold, and the Proceeds of such Sale accounted for and applied to the Police Purposes of this Act.

Stables and Byres to be kept clean.

141. All Stables and Byres, and Areas therewith connected, shall be constantly kept in a clean Condition to the Satisfaction of the Inspector of cleansing, under a Penalty not exceeding Twenty Shillings for each Offence; and it shall be the Duty of the Inspector from Time to Time to examine the State of all such Places, with a view to the Enforcement of this Enactment.

Areas, &c. to be cleansed by Proprietors.

142. All Private Courts, Yards, Areas, and other Places which are not cleansed by Scavengers appointed under this Act, shall be kept clean, and shall at least Three Times in every Week, or when required by the Superintendent of Police or Inspector of Cleansing, be cleaned out, by or at the Expense of the Occupiers of such Courts, Yards, Areas, or other Places respectively; and if such Courts, Yards, Areas, or other Places shall not be so kept and cleansed the Occupiers thereof shall be liable to a Penalty not exceeding Ten Shillings for every such Offence.

Penalty for Neglect.

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Dungsteads, &c. to be cleaned out.

143. It shall be lawful for the Magistrates or any of them, after Inspection and Report by the Superintendent of Police or Inspector of Cleansing to regulate and limit the Time within which all common Necessaries and Dungsteads shall be emptied and cleaned out; and if any other Person under Obligation by Contract or otherwise to empty or clean out such Places shall fail so to do within the Time so limited, such other Person shall be liable in a Penalty not exceeding Twenty Shillings, besides Forfeiture of any Stable or Byre Dung in such Place, which Dung the Inspector of Cleansing, or any other Officer authorized by the Magistrates, may remove or dispose of, or cause to be removed and disposed of, and the Proceeds, under Deduction of the Expenses of Removal, shall be applied to the Police Purposes under this Act.

As to Removal of Dung.

144. Every Person who shall lay or cause to be laid on any such Streets any Dung or Manure, for the Purpose of removing the same, shall remove and take the same away before Eight of the Clock of the Day on which it shall be so laid in such Streets, from the First Day of October to the First Day of April, and before Seven of the Clock of the Day from the First Day of April to the First Day of October; and if Dung or Manure shall be allowed to remain on any Part of such Streets after the said Hours, the Person offending shall be liable to a Penalty not exceeding Five Shillings for each Offence, and that over and above the Forfeiture of the Dung or Manure, which shall be removed by the Officers of Police, who shall have Power to dispose of the same for the Police Purposes of this Act.

Penalty for conveying offensive Matter at improper Times.

145. The Commissioners may from Time to Time fix the Hours within which only it shall be lawful to remove dry Lime, Rubbish, or offensive Matter from any Premises; and when the Commissioners have fixed such Hours, and given public Notice thereof in such Manner as they may deem proper, every Person who removes along any such Street any offensive Matter at any Time, except within the Hours so fixed, and every Person who at any Time, whether such Hours have been fixed by the Commissioners or not, uses for any such Purpose any Cart or Carriage not having a Covering proper for preventing the Escape of the Contents of such Cart, or of the Stench thereof, or who wilfully spills any such offensive Matter in the Removal thereof, or who does not carefully sweep and cleanse every Place in which any such offensive Matter has been placed or unavoidably spilled, shall for every such Offence be liable to a Penalty not exceeding Forty Shillings; and in default of the Apprehension of the actual Offender the Driver or Person having charge of the Cart or Carriage employed for any such Purpose shall be deemed to be the Offender.

PART

PART IV.

SECTION III.—*Paving and maintaining Streets.*

Paving.

Power to the Commissioners to improve and form public Streets.

146. The Commissioners may from Time to Time cause all or any of the Streets within the Burgh not under the Management of any Turnpike Road or other Trustees, or any Part of such Streets respectively, to be raised, lowered, altered, and formed in such Manner and with such Materials as they think fit, and they shall also repair such Streets from Time to Time: Provided always, that nothing in this Act contained shall interfere with any Right to have applied to such Streets any Commutation for Statute Labour, or other Fund, by Law applicable to the Maintenance or Repair of such Streets; and any Person considering himself aggrieved may appeal to the Sheriff in manner after provided.

Commissioners may place Fences to Footways.

147. The Commissioners shall from Time to Time place such Fences and Posts on the Side of the Footways of Streets as may be needed for the Protection of Passengers on such Footways, and they may place Posts in the Carriageways of such Streets, so as to make the crossing thereof less dangerous for Foot Passengers, and they shall from Time to Time repair any such Fences or Posts, or may remove the same, or any Obstructions to any such Carriageway or Footway, as they think fit.

Penalty on Persons altering Pavements without the Consent of the Commissioners.

148. Every Person who wilfully displaces, takes up, or makes any Alteration in the Pavement, Flags, or other Materials of any Street, without the Consent of the Commissioners in Writing, or without other lawful Authority, shall be liable to a Penalty not exceeding Five Pounds, and also a further Sum, not exceeding Five Shillings, for every Square Foot or Part of a Square Foot of the paved Flags or other Materials of the Street exceeding One Square Foot so displaced, taken up, or altered; and any Persons having Authority to take up the Pavement, Flags, or other Materials of any Street shall be bound to restore the same, in a substantial Manner and to the Satisfaction of the Commissioners; failing which, the Commissioners shall have Power to restore the Pavement, Flags, or other Materials at the Expense of such Persons, and to enforce Payment thereof.

Foot Pavements.

149. The Owners of all Lands or Premises fronting or abutting on any Street shall, at their own Expense, when required by the Commissioners, cause Footways before their Property respectively on the Sides of such Street to be made, and to be well and sufficiently paved with flat hewn or other Stones, or to be constructed in such other

PART IV. Police Purposes. Sect. 3.

Manner and Form and of such Breadth as the Commissioners shall direct, and shall thereafter, from Time to Time, as Occasion may require, repair and uphold such Footways: Provided always, that where the Lands or Premises of any Owner front or abut on any Street for a continuous Length exceeding Six hundred Yards, and such Lands or Premises are unfeued or unbuilt on, it shall not be lawful to the Commissioners to require such Owner to construct such Footway to an Extent beyond Six hundred Yards in Length; but the Commissioners may themselves cause such Footway to be constructed in so far as they think proper beyond such Distance of Six hundred Yards, and shall be entitled forthwith to recover from such Owner One Third of the Expense thereof, and the remaining Two Thirds thereof, whenever the Lands fronting or abutting on the Footway, so constructed by them, is actually built upon.

Private Streets not properly formed.

150. Whereas it would conduce to the Convenience of the Inhabitants, and be for the public Advantage, if Provision were made for the levelling, paving or causewaying and flagging of Streets which have been laid out and formed by Persons who have neglected to have the same properly levelled, paved or causewayed and flagged, and for preventing such Inconveniences in future: Be it therefore enacted, That where any private Street or Part of a Street is at the Adoption of this Act formed or laid out, or shall at any Time thereafter be formed or laid out, and is not, together with the Footways thereof, sufficiently levelled, paved or causewayed and flagged to the Satisfaction of the Commissioners, it shall be lawful for the Commissioners to cause any such Street or Part of a Street, and the Footways thereof, to be freed from Obstructions, and to be properly levelled, paved or causewayed and flagged, and channelled, in such Way and with such Materials as to them shall seem most expedient; and no such Street shall be considered to have been sufficiently paved or causewayed and flagged unless the same shall be completed with Kerbstones and Gutters to the Satisfaction of the Commissioners.

Expense to be paid by Owners.

151. The whole of the Costs, Charges, and Expenses incurred by the Commissioners in respect of private Streets shall be paid and reimbursed to them by the Owners of the Lands or Premises fronting or abutting on each Street, in proportion to the Extent of their respective Premises fronting or abutting on such Street, as the same shall be ascertained and fixed by the Commissioners or their Surveyor.

In certain Cases Proportion of Expenses to be fixed by Commissioners.

152. Where One or more private Streets or Parts thereof serve for or lead to various Premises adjoining the same, or where, from the peculiar Nature of the Locality, in the Judgment of the Commissioners, the Proportions of each Owner cannot be regulated according to

to the Frontage as above provided for, the Commissioners shall fix and determine the Premises the Owners of which shall be liable for such Costs, Charges, and Expenses, and the Proportions leviable from each Owner, as they shall consider, under all the Circumstances of the Case, to be just.

Owners to be liable only for Proportions of Expenses.

153. Each Owner shall be liable only for his own Proportion of the said Costs, Charges, and Expenses, and any Owner who shall have well and substantially, and to the Satisfaction of the Commissioners, levelled, made, paved, or causewayed and flagged, and channelled, any Part of such private Street or of the Footways thereof, or done any of such Works, shall be entitled to such Relief as shall appear to the said Commissioners to be just.

Private Streets may be declared Streets, as defined in this Act.

154. If any private Street shall at any Time be made, paved, or causewayed and flagged, and put in good Order and Condition, to the Satisfaction of the Commissioners, then, and on Application of any One or more of the Owners of Premises fronting or abutting upon such Street, it shall be lawful for the Commissioners to declare the same to be a Street, as defined in this Act, and for ever afterwards vested in the Commissioners, and shall, with the Exception of the Footway, be repaired and repairable by the Commissioners, under the Authority and Powers of this Act.

CLAUSE M. Commissioners may relieve Owners within Burgh from Repair of Footways.

155. It shall be lawful to the Commissioners acting under this or any General or Local Act, instead of enforcing the Maintenance and Repair of Footways within Burgh by Owners, to resolve, at a Meeting held for the Purpose, to undertake such Maintenance and Repair, and thereafter such Footways shall be maintained and repaired by the Commissioners: Provided always, that nothing herein contained shall apply to the Footways of private Streets, nor shall affect the Right of the Commissioners to require such Footways to be previously made.

Right of Relief, &c. not to be affected.

156. Nothing in this Act contained shall affect any Right of Relief in regard to the making, paving or causewaying or maintaining of Streets which the Owner or any other Person may have by Feu Contract or otherwise; nor shall any Liability attaching in Law to the Trustees of any Turnpike or other Road, or other Persons liable to make, pave or causeway or maintain Streets or the Footways thereof, be affected, altered, or abridged hereby.

CLAUSE N. Right of Appeal.

157. Provided always, That as regards the paving or causewaying and maintaining Streets, public or private, including the Footways thereof, it shall be lawful for any Person whose Property may be affected, and who thinks himself thereby aggrieved, to appeal to the Sheriff in manner after provided.

PART IV. Police Purposes. Sect. 4.

PART IV.

Naming Streets.

SECTION IV.—*Naming the Streets, and numbering the Houses.*

Houses to be numbered and Streets named.

158. The Commissioners shall from Time to Time cause the Houses and Buildings in all or any of the Streets, public or private, to be marked with Numbers, as they think fit, and shall put up or paint on a conspicuous Part of some House, Building, or Place, in legible Characters, at or near each End, Corner, or Entrance of every such Street, the Name of such Street; and every Person who destroys, pulls down, or defaces any such Number or Name, or puts up any Number or Name different from the Number or Name put up or caused to be put up by the Commissioners, shall be liable to a Penalty not exceeding Forty Shillings for every such Offence.

Numbers of Houses to be renewed by Owner.

159. The Owners of Houses and other Buildings in the said Streets shall mark their Houses with such Numbers as the Commissioners direct, and shall renew such Numbers as often as they become obliterated or defaced; and every such Owner who fails, within One Week after Notice for that Purpose from the Commissioners, to mark his House with a Number directed by the Commissioners, or to renew such Number when obliterated, shall be liable to a Penalty not exceeding Forty Shillings; and the Commissioners shall cause such Numbers to be marked or to be renewed, as the Case may require.

PART IV.

Improving Streets.

SECTION V.—*Improving Streets and removing Obstructions.*

Houses may be set forward for improving Line of Street.

160. The Commissioners may allow, upon such Terms as they think fit, any Building within the Burgh to be set forward for improving the Line of the Street in which such Building or any Building adjacent thereto is situated.

CLAUSE. O. Power to purchase Houses, &c. for additional Improvements.

Commissioners may acquire Premises for sanitary Purposes.

161. The Commissioners may acquire Lands or Premises within the Burgh for the Purpose of widening, enlarging, or otherwise improving any of the Streets, and they may re-sell any Parts of such Lands or Premises which shall not be required for such Purposes; and they may also drain, repair, or otherwise improve Courts and Places where there may be Doubt as to the Liability of Owners to execute such Works, and in Localities within the Burgh, when Houses or other Buildings are, in the Opinion of the Commissioners, built too close to each other, or have become waste and ruinous, or are liable to other Objections on sanitary Grounds, it shall be lawful to the Com-

Commissioners to acquire Lands or Premises, for the Purpose of reserving them as vacant Spaces, or of improving the Buildings, or of otherwise disposing of them so as to improve the sanitary Condition of such Localities; and the Expense of such Acquisitions and Improvements shall be a charge against the General Improvement Assessment herein-before authorized to be levied; Provided always, that the Commissioners may resolve that the same shall be charged, as they are hereby empowered to do, against the Police Assessment.

Houses projecting beyond Line of Street, when taken down, to be set back.

162. When any House or Building, any Part of which projects beyond the regular Line of the Street, or beyond the Front of the House or Building on either Side thereof, has been taken down in order to be altered, or is to be rebuilt, the Commissioners may require the same to be set backwards to, or toward the Line of the Street, or the Line of the adjoining Houses or Buildings, in such Manner as the Commissioners may direct, for the Improvement of such Street: Provided always, that the Commissioners shall make full Compensation to the Owner of any such House or Building for any Damage he thereby sustains, which Compensation may be settled in the same Manner as Compensation for Land to be taken under the Provisions of the "Lands Clauses Consolidation Act, 1845," is directed to be settled, and shall form a Charge against the General Improvement Assessment; Provided always, that the Commissioners may resolve that the same shall be charged as they are hereby empowered to do, against the Police Assessment.

Future Projections of Houses, &c. to be removed, on Notice.

163. The Commissioners may give Notice to the Owner of any House or Building to remove or alter any Porch, Shed, projecting Window, Step, Cellar, Cellar Door or Window, Sign, Sign Post, Sign Iron, Showboard, Window Shutter, Wall, Gate, or Fence, or any other Obstruction or Projection erected or placed, after the Adoption of this Act, against or in front of any House or Building within the Burgh, and which is an Obstruction to the safe and convenient Passage along any Street; and such Owner shall, within Fourteen Days after the Service of such Notice upon him, remove such Obstruction, or alter the same in such Manner as shall have been directed by the Commissioners, and in default thereof shall be liable to a Penalty not exceeding Forty Shillings; and the Commissioners in such Case may remove such Obstruction or Projection, and the Expense of such Removal shall form a Charge against and be paid by the Owner so making default; and no Person shall erect any Projection whatever in any Street without the written Consent of the Commissioners, under a Penalty of Forty Shillings for each Offence.

 164. If

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Commissioners may cause existing Projections to be removed, and Compensation to be made.

164. If any such Obstructions or Projections were erected or placed against or in front of any House or Building in any such Street before the Adoption of this Act, the Commissioners may cause the same to be removed or altered as they think fit, provided that they give Notice of such intended Removal or Alteration to the Owner of the House or Building against or in front of which such Obstruction or Projection shall be Thirty Days before such Alteration or Removal is begun; and if such Obstructions or Projections shall have been lawfully made, they shall make reasonable Compensation to every Person who suffers Damage by such Removal or Alteration.

Doors in future to be made to open inwards.

165. All Doors, Gates, and Bars put up after the Adoption of this Act within the Burgh, and which open upon any Street, shall be hung or placed so as not to open outwards, except when, in the Case of public Buildings, the Commissioners allow such Doors, Gates, or Bars to be otherwise hung or placed; and if, except as aforesaid, any such Door, Gate, or Bar be hung or placed so as to open outwards on any Street, the Owner of the Premises to which such Door, Gate, or Bar is attached shall, within Eight Days after Notice from the Commissioners to that Effect, cause the same to be altered so as not to open outwards; and in case he neglect so to do the Commissioners may make such Alteration, and the Expenses of such Alteration shall be paid to the Commissioners by such Owner, and shall be recoverable from him, and he shall in addition be liable to a Penalty not exceeding Forty Shillings.

Doors opening outwards may be altered.

166. If any such Door, Gate, or Bar was, before the Adoption of this Act, hung so as to open outwards upon any Street, the Commissioners may alter the same, so that no Part thereof when open shall project over any public Way.

Coverings for Cellar Doors to be made by Occupier.

Penalty for Neglect.

167. When any Opening is made in any Pavement or Footpath within the Burgh as an Entrance into any Vault or Cellar, a Door or Covering shall be made by the Owner of such Vault or Cellar, of Iron or such other Materials and in such Manner as the Commissioners direct, and such Door or Covering shall from Time to Time be kept in good Repair by the Owner of such Vault or Cellar; provided always, that before such Opening is made the Consent of the Commissioners thereto shall be obtained in Writing; and if such Owner do not within a reasonable Time make such Door or Covering, or if he make any such Door or Covering contrary to the Directions of the Commissioners, or if he do not keep the same when properly made in good Repair, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

168. The

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Rain Water to be conveyed from Roofs of Houses in Pipes.

168. The Owner of every House or Building in, adjoining, or near to any Street, public or private, shall put up and keep in good Condition a Shoot or Trough of the whole Length of such House or Building, and shall connect the same with a Pipe or Trunk to be fixed to the Front or Side of such Building from the Roof to the Ground, to carry the Water from the Roof thereof, in such Manner that the Water from such House, or any Portico or Projection therefrom, shall not fall upon the Persons passing along such Street, or flow over the Footpath; and for the latter Purpose it shall be lawful for any such Owner to take up so much of the Pavement, Causeway, or Flagging of any Street as may be requisite, and to lay down such Drains or Tunnels, or fix Iron Drain Gutters, under the Direction of the Commissioners; and all Damage which may thereby be occasioned to the Pavement, Causeway, or Flagging of the Footpath or Carriageway shall be made good at the Expense of such Owner; and in default of Compliance with this Enactment such Owner shall be liable to a Penalty not exceeding Forty Shillings for every Day that he shall so make default, after being required by the Commissioners to comply therewith.

Parties aggrieved may appeal to the Sheriff.

169. Provided always, That, as regards the improving the Line or Level of any Street, and removing Obstructions, or any other Work to be executed by the Commissioners, under the Provisions of this Act, for the Improvement of any Streets, it shall be lawful for any Person whose Property may be taken or affected, and who thinks himself thereby aggrieved, to appeal to the Sheriff in manner after provided.

PART IV.

SECTION VI.—*Laying out new Streets.*

New Streets.

Notice of Intention to lay out new Streets to be given to Commissioners.

170. Every Person who intends to make or lay out any new Street shall give Notice thereof to the Commissioners, in order that the Level of such Street may be fixed by the Commissioners: Provided always, that where any such Street is, at the Time of the Adoption of this Act, in whole or in part, the Subject of any Contract for the Formation thereof then existing, the same shall not be held or taken to be a new Street within the Meaning of this Act.

Levels to be fixed by the Commissioners.

171. The Level of every such new Street shall be fixed by the Commissioners within Six Weeks after the Delivery of such Notice, but subject to Appeal to the Sheriff, if such Appeal shall be entered within Three Weeks from the Date of Intimation of such Deliverance by the Commissioners; and the Decision of the Sheriff, if such Appeal be taken, or such Deliverance by the Commissioners if not appealed to the Sheriff, shall be final; and the Level so fixed shall be

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be kept thereafter by every Person erecting any House or other Building in such Street.

If the Commissioners fail to fix the Level, the Party may proceed without.

172. If the Commissioners do not fix such Level within Six Weeks from the Time of the Delivery of such Notice as aforesaid, the Person giving such Notice may proceed to lay out such Street at any Level which will allow of Compliance with the other Provisions of this Act, as if such Level had been fixed by the Commissioners; and in such Case every Change of the Level which the Commissioners afterwards deem requisite, and the Works consequent thereon, shall be made by the Commissioners, and the Expense thereof, and any Damage which any Person sustains in consequence of such Alteration, shall be defrayed by them out of the Police Assessment.

Persons laying out Streets without Notice to be liable to the Expenses of subsequent Alterations of Levels.

173. Every Person who makes or lays out any such new Street as aforesaid, without causing such Notice to be given to the Commissioners as aforesaid, shall be liable to defray all the Expenses consequent upon any Change of the Level of such Street deemed requisite by the Commissioners; and every Person who in building any House or other Building in such Street does not keep the Level fixed by the Commissioners shall be liable to defray all the Expenses consequent upon any Alteration on any such House or Buildings, or any Change of the Level of that Part of such Street on which such House or Building abuts, which the Commissioners deem requisite.

Situation of Gas and Water Pipes to be altered, at the Expense of the Commissioners.

174. If the Commissioners deem it necessary to raise, sink, or otherwise alter the Situation of any Water Pipe or Gas Pipe, or other Waterworks or Gasworks, laid in any such Streets, they may from Time to Time, by Notice in Writing, require the Person to whom any such Pipes or Works belong to cause forthwith any such Pipes or Works to be raised, sunk, or otherwise altered in Position in such Manner as the Commissioners may direct; provided that such Alteration be not such as permanently to injure such Works, or to prevent the Water or Gas from flowing as freely and conveniently as before; and the Expenses attending such raising, sinking, or altering, and Compensation for every Damage done thereby, shall be paid by the Commissioners out of the Police Assessment, or other Rates or Assessments, as the Case may be, as well to the Persons to whom such Pipes or Works belong as to all other Persons.

If Gas or Water Company neglect to make the Alteration, the Commis-

175. If the Person to whom any such Pipes or Works belong do not proceed forthwith, after the Receipt of such Notice, to cause the same to be raised, sunk, or altered, in such Manner as the Commissioners require, the Commissioners may themselves cause such Pipes or

or Works to be raised, sunk, or altered, as they think fit; provided that such Works be not permanently injured thereby, or the Water or Gas prevented from flowing as freely and conveniently as before.

sioners may cause the same to be done.

Commissioners may agree as to making of certain Streets.

176. It shall be lawful for the Commissioners to agree with any Person for the making of new Streets for the Public Use through the Lands and at the Expense of such Person, and to agree that such Streets shall become and the same shall accordingly become, on Completion, public Streets to be maintained and repaired at the Public Expense; and it shall be lawful for the Commissioners, with the Consent of Two Thirds of their Number, to agree with such Person to pay any Portion of the Expense of making such Streets out of the Police Assessment, and accordingly to pay the same.

Accesses to and along Sea Beach.

177. Where any Part of the Burgh is bounded or washed by the Sea, it shall be lawful for the Commissioners to agree with the Trustees of any Turnpike Road in the District, and the Owners of the Sea Beach or Shore, or either of them, for the making of Roads or Streets and Accesses for the Public Use to and from or along the said Sea Beach or Shore, at the Expense of such Trustees and Owners or either of them, and it shall be lawful for the Commissioners, as well as such Trustees or Owners, to agree to pay any Portion of the Expense of making such Roads or Streets and Accesses out of the Police Assessment, and accordingly to pay the same; and it shall be lawful to the Commissioners to agree that such Roads or Streets and Accesses shall become and the same shall accordingly become, on Completion, Streets to be maintained and repaired at the Public Expense, on such Terms and Conditions as may be agreed on with the said Trustees and Owners or either of them: Provided always, that the Owners of the Lands or Premises abutting on such Streets shall always be liable in the Expense of paving, causewaying, and flagging the same, together with the Footways thereof, in all respects as in regard to private Streets within the Burgh.

Width of new Streets.

178. Except as herein-after provided, it shall not be lawful to form, lay out, or build any new Street or Part thereof within the Burgh, unless the same shall (measuring from the Buildings or intended Buildings therein, at the Level of the Surface of the Boundary of such Street,) be at least Thirty Feet wide; and in every such Street there shall be at least a clear Space for the Carriageway of the Street of not less than Twenty Feet in Width, and in the like Proportions for Streets of greater Width; and no Buildings constructed to be used for Dwelling Houses or Premises shall be built in any such Street the Front Walls of which shall exceed in

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in Height the Width of such Street, nor shall any such Building or Premises be of greater Height than Five Storeys above the Level of the Pavement; and no Dwelling House, Mill, Factory, Workshop, Stable, or Byre shall be less in Height from Floor to Ceiling in each Storey than Nine Feet. 5

Width of new Courts.

179. It shall not be lawful to form, lay out, or build any Court unless the same shall be of a clear Width of Fifteen Feet, measuring from the Buildings or intended Buildings therein: Provided always, that to any such Court in which there shall be more than Eight Houses there shall be an additional Width of One Foot for every 10 such additional House; and provided also, that there shall be an Entrance to every such Court of the full Width thereof, and open from the Ground upwards.

Height of Houses in Courts.

180. It shall not be lawful to build any Houses in any Court which shall be of greater Height than Thirty Feet, nor shall any 15 Houses in any Court contain more than Two Flats above the Ground Flat, which Height shall be taken from the Level of the Ground Floor to the Eave of the Roof.

Penalty for forming Streets and building contrary to Act.

181. Every Person who shall, from and after the Adoption of this Act, form or lay out, or permit or suffer to be formed or laid out, 20 any new Street or Court, or any Part thereof respectively, within the Burgh, or who shall build, raise, or add to any House or Premises therein, or permit or suffer the same to be done, contrary to the Provisions of this Act, unless the same shall have been formally sanctioned by the Commissioners on a Consideration of the Special 25 Circumstances of the Case, which Sanction they are hereby empowered to give, shall forfeit and pay a Sum not exceeding Twenty Pounds, and a further Sum not exceeding Five Pounds per Day for every Day after the first, during which he shall permit or suffer such new Street or Court, or Part thereof, or such Houses 30 or Premises, to remain so formed, laid out, built, or added to as last aforesaid: Provided always, that the Provisions of this Act relating to the Width of Streets, and to the Width and Construction of Courts, shall not extend or apply to any existing Street or Court which shall be proved to the Satisfaction of the Com- 35 missioners to have been agreed to have been formed previous to the Adoption of this Act.

Removal of Toll Bars within Burgh.

182. It shall be lawful for the Commissioners, and for the Trustees of any Turnpike Road on which One or more Toll Bars exist within the Burgh, to contract for the Removal of such Bar or Bars beyond 40 the Limits of the Burgh, and also, if thought expedient, for the Relinquishment by such Trustees, and the Assumption by the Commissioners

missioners as a public Street, of the whole of the said Turnpike Road so far as situated in the Burgh, or of Part thereof, all on such Terms and Conditions, and in consideration of such single or annual Payment out of the Funds belonging to or under their Control respectively, as may be mutually agreed on.

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PART IV.

SECTION VII.—*Public Sewers.*

Public Sewers.

183. All Sewers and Drains within the Burgh, whether existing at the Time when this Act is applied or made at any Time thereafter, (except Sewers and Drains within the private Property of any Person made and used as of private Right by any Person or Persons for his or their own Benefit, or for the Benefit of Proprietors or Shareholders, and except Sewers and Drains made and used for the Purpose of draining, preserving, or improving Land, under any Local or Private Act of Parliament,) shall vest in and belong to and be entirely under the Management and Control of the Commissioners.

Sewers, &c. vested in Commissioners.

184. The Commissioners may, if they shall think fit, purchase the Rights, Privileges, Powers, and Authorities vested in any Person for making Sewers not hereby vested in the Commissioners, or contract for the Use of any such Sewers within the Burgh, or purchase any such Sewers, with or without the Buildings, Works, Materials, and Things belonging or appertaining thereto; and any Person to whom any such Rights, Privileges, Powers, Authorities, Sewers, Buildings, Works, Materials, or Things belong may sell and dispose of the same to or otherwise contract with the Commissioners; and in case of any such Sale the Purchase Money shall be settled and applied to the same Uses and Purposes to which the Property purchased may have been subject at the Time of such Sale, and the Property purchased shall vest in and belong to the Commissioners purchasing the same, any Law to the contrary notwithstanding: Provided always, that, notwithstanding any such Purchase, any Person who previously thereto may have acquired perpetual Right to use any Sewer so purchased shall be entitled to use the same, or any other Sewer substituted in lieu thereof, in as full and ample a Manner as he would or might have done if such Purchase had not been made.

Power to purchase, &c. certain Sewers.

185. Nothing in this Act contained shall be construed to authorize the Commissioners, contrary to or inconsistently with any private Right, to use, injure, or interfere with any Sewers or other Works already made or used for the Purpose of draining, preserving, or improving Land under any Local or Private Act of Parliament, or for

Private Sewers or Water-courses, &c. not to be used without Consent.

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for the Purpose of irrigating Lands, or to use, injure, or interfere with any Watercourse, Stream, River, Dock, Basin, Wharf, Quay, or Towing-path in which the Owner or Occupier of any Lands, Mills, Mines, or Machinery, or the Proprietors of any Canal or Navigation, shall have Right and Interest, without Consent in Writing first had and obtained from the Person legally entitled to grant the same; and nothing herein contained shall prejudice or affect the Rights, Privileges, Powers, or Authorities given or reserved to any Person under any Local or Private Act of Parliament for the Drainage, Preservation, or Improvement of Land, or for or in respect of any Mills, Mines, Machinery, Canal, or Navigation as last aforesaid.

Drainage Districts to be formed, subject to the Approval of the Sheriff.

186. The Commissioners may from Time to Time, subject to the Approval of the Sheriff, divide the whole Burgh, if and as Occasion shall require, into separate Drainage Districts, having regard in such Division to the Nature of the Ground, to the Main Lines of Sewers by which such separate Drainage Districts are or shall be drained, and to the equal Benefit, as far as may be, of all the Lands or Premises to be comprised in any such Drainage District, and shall cause their Surveyor to define and describe the several Drainage Districts on a Plan of the Burgh to be made as after provided for.

Power to Commissioners to construct Sewers where none exist, making Compensation to Owners of Property.

187. The Commissioners shall from Time to Time, subject to the Restrictions herein contained as to the Notice to be given and the Plans and Estimates to be prepared, cause to be made, under the Streets, public or private or elsewhere, such Main and other Sewers as shall be necessary for the effectual draining of the Burgh, and shall also, if necessary for such Drainage, deepen, divert, or cover over any Burn or any Ditch made use of as a Common Sewer, or any Ditch into which Sewage flows, and shall also cause to be made all such Reservoirs, Sluices, Engines, and other Works as shall be necessary for cleansing such Sewers, and, if needful, they may carry such Sewers through and across all underground Cellars and Vaults under any such Streets, doing as little Damage as may be, and making full Compensation for any Damage done; and if, for completing any of the aforesaid Works, it be found necessary to carry them into or through any inclosed or other Lands, the Commissioners may carry the same into or through such Lands accordingly, making full Compensation to the Owners and Occupiers thereof, and they may cause the Refuse from such Sewers to be conveyed by a proper Channel to the most convenient Site for its Collection, and Sale for Agricultural or other Purposes, as may be deemed most expedient, but so that the same shall in no Case become a Nuisance: Provided always, that if in making any such Main and other Sewers, or in repairing, reconstructing, or enlarging the same or existing Drains or Sewers, the Contents at present carried into

into any existing Outlet shall be diverted therefrom to the Prejudice of any actual existing legal Right, the Commissioners shall be bound to make Compensation therefor; which Compensation shall be settled in the same Manner as Compensation for Land to be taken under the Provisions of the "Lands Clauses Consolidation Act, 1845," is directed to be settled.

Commissioners may alter Sewers from Time to Time.

188. The Commissioners may from Time to Time, as they see fit, repair, enlarge, alter, arch, or cover over, and otherwise improve all or any of the Sewers vested in them; and if any of such Sewers at any Time appear to them to have become useless, the Commissioners, if they think fit to do so, may demolish and discontinue such Sewer, provided that it be so done as not to create a Nuisance.

Commissioners not to destroy existing Sewers, &c. without providing others. Penalty for Neglect.

189. If any Person, by means of any Enlargement, Alteration, or Discontinuance of any Sewer, or other Proceeding of the Commissioners, be deprived of the Use of any Sewer or Drain which such Person was theretofore lawfully entitled to use, the Commissioners shall provide some other Sewer or Drain equally effectual for such Purpose; and if the Commissioners refuse, or do not within Seven Days next after Notice in Writing served upon them begin, and thereupon diligently proceed to restore to its former effective State, such Drain or Sewer the Use whereof has been affected by the Acts of the Commissioners, or to provide such other Sewer or Drain as aforesaid, they shall forfeit to the Person aggrieved any Sum not exceeding Forty Shillings for every Day after the Expiration of such Seven Days during which he is deprived of the Use of the Drain or Sewer to which he was so entitled, and is not provided with such other Drain or Sewer as aforesaid.

Commissioners to cause Estimates to be prepared before Execution of Works.

190. Before entering into any Contract for executing any such Work as aforesaid, the Commissioners shall procure from their Surveyor an Estimate of the probable Expense of constructing the same in a substantial Manner, and of the yearly Expense of maintaining the same in repair, and such Surveyor shall accompany such Estimate with a Report as to the most advantageous Mode of constructing such Work, whether under a Contract for constructing the same merely, or a Contract for constructing the same and maintaining it in repair during a given Term of Years.

Penalty for making unauthorized Drains.

191. Every Person, not being employed or authorized for that Purpose by the Commissioners, who shall make any Drain from any Lands or Premises into any of the Sewers vested in the Commissioners, shall be liable to a Penalty not exceeding Five Pounds; and the Commissioners may cause such Drain to be re-made as they think fit, and the Expense incurred thereby shall be paid by the Owner of the Lands or Premises, and that over and above a reasonable Sum of Money for the Use of the Sewers, which the Commissioners are hereby

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authorized and required to exact for all Lands or Premises which were not assessed for the Expense of making such Sewers, or which shall have been built, enlarged, or altered after the Assessment for making the same was imposed or levied, and the Commissioners shall fix and determine the Sum to be paid as they shall consider just. 5

Vaults and Cellars under Streets not to be made without the Consent of the Commissioners.

192. No Building shall be erected over any Sewer belonging to the Commissioners, and no Vault, Arch, or Cellar shall be made under the Carriageway of any Street, public or private, without the Consent of the Commissioners first obtained in Writing; and all such Vaults, Arches, and Cellars shall be substantially made, and so as not to interfere or 10 communicate with any Sewers belonging to the Commissioners; and if, after the Adoption of this Act by any Burgh, any Building be erected, or any Vault, Arch, or Cellar be made therein, contrary to the Provisions herein contained, the Commissioners may demolish or fill up the same, and the Expenses incurred thereby shall be paid by the 15 Person erecting such Building, or making such Vault, Arch, or Cellar.

All Sewers, &c. to be covered with Traps.

193. All Sewers and Drains within the Burgh, whether public or private, shall be provided by the Commissioners or other Persons to whom they severally belong with proper Traps or other Coverings or Means of Ventilation, so as to prevent Stench. 20

Distillers to construct Reservoirs to deposit Refuse.

194. The Owners of Distilleries, Manufactories, and other Works shall dig, make, and construct Pools or Reservoirs within their own Ground, or as near their Works as possible, for receiving and depositing the Refuse of such Distilleries, Manufactories, and other Works, to prevent offensive or dangerous Consequences to the Health of the 25 Inhabitants by its running into any River, Stream, Ditch, or Sewer.

Sewers may be used by Owners and Occupiers of Land or Premises beyond Limits of Burgh.

195. Any Person, being the Owner or Occupier of any Lands or Premises beyond the Burgh, and in respect of which he would not be liable to the Payment of the Rates authorized to be levied under this Act, may, with the Consent of the Commissioners first obtained in 30 Writing, upon Payment to them of a reasonable Sum of Money, to be agreed upon between them, at his own Expense, and under the Superintendence of the Surveyor of the Commissioners, cause to branch into and to communicate with any of the Sewers belonging to the Commissioners any Sewer or Drain in respect of the said Lands or Premises 35 which may be lawfully made therefrom, of such Size and in such Manner and Form of Communication as the Commissioners approve of: Provided always, that nothing in this Act contained shall affect any Right theretofore acquired by such Owner or Occupier to use any of the Sewers or Drains belonging to the Commissioners. 40

Drains may be made to discharge

196. If the Commissioners shall consider it necessary for Public Health that any Drain should discharge itself below High-water Mark,

Mark, they shall be entitled, with the Consent of the Commissioners of Her Majesty's Woods and Forests, to construct the requisite Works for that Purpose in the Way and under the Regulations provided in regard to Works authorized by this Act.

below High-water Mark.

Power to borrow Money for the Construction of Sewers.

5 **197.** It shall be lawful for the Commissioners to borrow for the Purpose of making, enlarging, reconstructing, and maintaining Sewers, and on the Security of the said Special Sewer Rates and General Sewer Rates, such Sums of Money, and at such Times, as the Commissioners shall deem necessary for that Purpose, and to 10 assign the said Special Sewer Rates and General Sewer Rates in security of the Money to be so borrowed; and the Provisions of this Act with respect to the borrowing of Money and the granting of Bonds therefor, and the Transference and recording of such Bonds, shall be applicable to the borrowing of Money for the Purpose of 15 making, enlarging, reconstructing, and maintaining Sewers; and the Bonds to be granted for the Money so to be borrowed shall, mutatis mutandis, be in the Form, as near as may be, set forth in this Act, for Bonds to be granted for Money borrowed under the general Powers of this Act, and shall constitute a Lien over the Special 20 Sewer Rates and General Sewer Rates thereby assigned, and shall entitle the Creditors therein to recover the Sums thereby due from the Commissioners and their Officers out of the first and readiest of the said Special and General Sewer Rates.

Application of Money borrowed for constructing Sewers.

198. The Money so borrowed shall be applied wholly in defraying 25 the Expense of making, enlarging, reconstructing, and maintaining Sewers, and to no other Purpose whatsoever; and the Special and General Sewer Rates shall not be liable for nor be assigned in security of the Payment of any Sums borrowed by the Commissioners for any other Purpose than the making, Enlargement, Reconstruction, or 30 Maintenance of Sewers.

Borrowed Money not to be included in additional Assessment.

199. The Commissioners shall not include any Money borrowed for the Purposes of making, enlarging, reconstructing, or maintaining Sewers in fixing the Amount of the additional Assessment to be levied by them under Clause of this Act.

Persons aggrieved by making, &c. Sewers may appeal to the Sheriff.

35 **200.** Provided always, That as regards the making, altering, and maintaining Sewers, and the discharging thereof into any River or Stream, it shall be lawful for any Person whose Property may be taken or affected, or who may think himself thereby aggrieved, to appeal thereon to the Sheriff in manner after provided.

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House Drains.

PART IV.

SECTION VIII.—*Drainage of Houses.*

Commissioners empowered to construct Drains from Houses, charging Owners, &c. with the Expense.

201. If any House or Building within the Burgh be at any Time not drained by a sufficient Drain or Pipe communicating with some Sewer or with the Sea, to the Satisfaction of the Commissioners, and if there shall be such Means of Drainage within One hundred Yards of any Part of such House or Building, the Commissioners shall construct or lay from such House or Building a covered Branch Drain or Pipe of such Materials, of such Size, at such Level, and with such Fall as they think necessary for the Drainage of such House or Building, its Areas, Waterclosets, and Offices; and the Expense thereof shall be recoverable from the Owner of such House or Building, over and above any Sum that may be charged for the Use of the Sewers as above provided for.

No House to be hereafter built without Drains being constructed.

202. No House or Building within the Burgh shall be built upon a lower Level than will allow of the Drainage of the Wash and Refuse of such House or Building into some Sewer belonging to the Commissioners, either then existing or marked out upon the Map hereinafter directed to be made by them; and if there be such Means of Drainage existing within One hundred Yards of such intended House or Building, the Commissioners shall cause a Branch Drain leading thereunto from the intended Site of such House to be made, of such Materials, of such Size, at such Level, and with such Fall as they think fit; or if there be no such Means of Drainage within One hundred Yards of any Part of the said intended Site of such House or Building, then such Drain shall be made so as to lead into such covered Cesspool or other Place as the Commissioners direct, not being under any Dwelling House, and constructed and kept in complete Repair to the Satisfaction of the Commissioners, so as effectually to prevent any Leakage or Effluvium therefrom until such Sewer as aforesaid is made by the Commissioners, when they shall make a Drain to communicate with such new-made Sewer, and shall demolish and fill up any such Cesspool.

Where Houses are built, the Level shall be sufficient to allow a Drain to be constructed.

203. Whenever any House is rebuilt within the Burgh, the Level of the Cellar or other lowest Floor of such House shall be raised sufficiently to allow of the Construction of such Drain as is hereinbefore provided in the Case of Houses to be built after the Adoption of this Act; and whenever any House is taken down to or below the Roof of the Floor commonly called the Ground or Street Floor, for the Purpose of being built up again, such building shall be deemed a rebuilding within the Meaning of this Act.

204. Before

204. Before beginning to build any new House, or to rebuild any existing House within the Burgh, the Person intending to build or rebuild such House shall give to the Commissioners Notice thereof in Writing, and shall accompany such Notice with a Plan showing the Level at which the Foundation of such House is proposed to be laid, by Reference to some Level ascertained under the Direction of the Commissioners.

Notice of Buildings and Rebuildings to be given to the Commissioners.

205. Within Fourteen Days after receiving such Notice, the Commissioners may signify their Disapproval of the Level at which it is proposed to lay the Foundation of any such House, and in case of such Disapproval may, within the said Fourteen Days, fix the Level at which the same is to be laid, but subject to Appeal to the Sheriff, if such Appeal shall be entered within Two Weeks from the Date of the Intimation of such Disapproval; and the Decision of the Sheriff, if such Appeal be taken, or the Deliverance of the Commissioners, if not appealed to the Sheriff, shall be final.

Commissioners may signify Disapproval within Fourteen Days.

206. In default of sending such Notice and Plan, or if such Building be begun or made at any Level different from that fixed by the Commissioners, within the said Fourteen Days, or determined on Appeal, as after provided, or in any other respect is contrary to the Provisions of this Act, the Commissioners may, if necessary, cause such Building to be altered or demolished, as the Case requires, and the Expense incurred by the Commissioners in respect thereof shall be repaid to them by the Person failing to comply with the Provision aforesaid.

Commissioners may cause Houses built without Notice, or contrary to Provisions of this Act, to be altered.

207. If the Commissioners fail to signify in Writing their Approval or Disapproval of the Level shown on such Plan as aforesaid within Fourteen Days after receiving such Notice and Plan as aforesaid, the Person giving such Notice may, notwithstanding anything herein contained, proceed to build or rebuild the House therein referred to according to the Level shown on such Plan, provided that such building or rebuilding be otherwise in accordance with the Provisions of this Act.

If Commissioners fail to signify their Approval, &c. within Fourteen Days, Parties may proceed without.

208. All Branch Drains, as well within as without the Premises to which they belong, and all Cesspools or Reservoirs within the Burgh, shall be under the Survey and Control of the Commissioners, and shall be altered, repaired, and kept in proper Order at the Cost and Charges of the Owners of the Premises to which the same belong, or for the Use of which they are constructed or continued; and if the Owner and Occupier of any Premises to which any such Drain or Cesspool or Reservoir belongs neglect, during Seven Days after Notice

Drains and Cesspools to be kept in good Order by Owners.

If Owners neglect, Commissioners may cause the

same to be done, and charge the Owners with the Expense.

Notice in Writing for that Purpose, to alter, repair, and to put the same into good Order in the Manner required by the Commissioners, the Commissioners may cause such Drain or Cesspool or Reservoir to be altered, repaired, covered, and put in good Order.

As to the Inspection of Drains and Cesspools.

209. The Surveyor of the Commissioners may inspect any Drain or Cesspool or Reservoir within the Burgh, and for that Purpose, at all reasonable Times in the Daytime, after Twenty-four Hours Notice in Writing to the Occupier of the Premises to which such Drain or Cesspool or Reservoir is attached, may enter upon any Premises, with such Assistants or Workmen as are necessary, and cause the Ground to be opened where he thinks fit, doing as little Damage as may be; and if such Drain or Cesspool or Reservoir be found to be in proper Order and Condition, he shall cause the Ground to be closed and made good as soon as may be; and the Expense of opening, closing, and making good such Drain or Cesspool or Reservoir shall in that Case be defrayed by the Commissioners.

Penalty on Persons making or altering Drains, &c. contrary to the Orders of the Commissioners.

210. If such Drain or Cesspool or Reservoir be on Inspection found to have been constructed, after the Adoption of this Act, contrary to the Directions and Regulations of the Commissioners, or contrary to the Provisions of this Act, or if any Person, without the Consent of the Commissioners, construct, rebuild, or unstop any Drain or Cesspool or Reservoir which has been ordered by them to be demolished or stopped up or not to be made, every Person so doing shall be liable to a Penalty not exceeding Five Pounds; and the Commissioners may cause such Amendment or Alteration to be made in any such Drain or Cesspool or Reservoir as they think fit.

Parties aggrieved may appeal to the Sheriff.

211. As regards House or Branch Drains, and the building or rebuilding any House, it shall be lawful for any Person whose Property may be thereby taken or affected, and thinking himself thereby aggrieved, to appeal thereon to the Sheriff in manner after provided.

PART IV.

Section IX.—*Soil Pipes and Water-closets.*

Water and Water-closets.

212. Within One Month next after Notice given by the Commissioners in Writing for that Purpose, the Owner of every House or Part of a House occupied by a separate Family into which Water has not been already introduced shall introduce Water into every such House or Part of a House within the Burgh, by means of a Pipe not less than Half an Inch Bore, fitted with a Crane opening upon the Sink and Soil Pipe after mentioned, and shall fit up, in some Window, Recess,

Recess, or other well-lighted and ventilated Place, a Sink, to be connected with a Soil Pipe, duly trapped, leading into the nearest Drain, sufficient to carry off the whole foul Water; and after a like Notice every such Owner shall also provide for such House or Part of a House occupied by a separate Family, wherever practicable, a sufficient Water-closet; and the said Sinks, Soil Pipes, and Water-closets shall be properly applied, trapped, and ventilated, and these, and the Water Pipes, fitted up in a most complete Manner, and so as to prevent any Leakage or Effluvium therefrom, shall be kept in complete Repair, to the Satisfaction of the Commissioners: Provided always, that if, in the Opinion of the Commissioners, it is not advisable to introduce Water-closets into each House or Part of a House, they, after a like Notice, may require the Owners of a Tenement to construct on each Flat, or in some convenient Place or Places adjacent to such Tenement, a sufficient Number of Water-closets for the separate Use of each Sex of the Inmates and Occupiers of the said Tenements: Provided always, that this Enactment shall not be enforced by the Commissioners where, from Water not having been laid under sufficient Pressure, or from Drains being still unmade, such Works shall be impracticable.

Certain Water-closets to be constructed in Factories, &c.

213. If at any Time it shall appear to the Commissioners, upon the Report of the Surveyor, that any House is used or intended to be used as a School or Factory, or Building in which Persons of both, or either of the Sexes, and above Ten in Number, are employed or intended to be employed at One Time in any Manufacture, Trade, or Business, the Commissioners may, if they shall think fit, by Notice in Writing to the Owner or Occupier of such House, require them or either of them, within a Time to be specified in such Notice, to construct a sufficient Number of Water-closets or Privies for the separate Use of each Sex; and any Person refusing or neglecting to comply with any such Notice shall be liable for each Default to a Penalty not exceeding Twenty Pounds, and a further Penalty not exceeding Forty Shillings for every Day during which the Default is continued.

Owners of Flats of Houses to have a Supply Pipe from Water Pipe.

214. It shall be lawful for the Owners of any One or more Floors or Stories of any House or other Building within the Burgh to have a Supply Pipe from any Water Pipe in the Street brought up the common Staircase, or along the Back or Side Wall of the Tenement on the Outside, and either passing underground through the sunken Story or lowest Flat, or, where practicable, through any common Entry; provided always, that Authority shall be first obtained from the Magistrates, which may be granted summarily, on hearing the Parties concerned, without written Pleading, to lay and put up such Pipe; and the Expense of laying and putting up, and of keeping the same in repair, and the Damage thereby occasioned to the

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the Street and otherwise, shall be defrayed by the Person using the same; and no Person shall have Power to join the Supply Pipe to any Main Pipe without the Sanction of the Magistrates or any One of them so obtained, and of any Water Company who may supply such Water. 5

Soil Pipes may be carried through the different Houses.

215. Where there are Two or more Houses in any Tenement, the Owner and Occupier of each House shall permit Soil Pipes, if necessary, to be carried through the same; and the Owner and Occupier of the lowest Story shall permit such soil Pipes, if necessary, to be carried through and under the same; and all such Owners and 10 Occupiers shall at all reasonable Times afford Access to all such Houses for the Construction of the Works, and for making all Repairs necessary thereon, without any Claim for Compensation: Provided always, that the Works shall be so executed as to occasion the least Inconvenience to any such Owner and Occupier, and that any Injury 15 done to such Houses in the Execution of the Works shall be forthwith repaired, and that the Authority of the Magistrates shall first be obtained, in the Manner herein-before provided with respect to Supply Pipes from Water Pipes.

Penalty for introducing Ashes into Soil Pipes.

216. The Occupier of any House or other Place into the Cess- 20 pool or Soil Pipe of which any Ashes or other Matter calculated to choke the same shall be introduced or allowed to enter, shall be liable in a Penalty not exceeding Forty Shillings, besides, where Damage has been caused by such Offence, being liable to repair such Damage.

Owners of Flats of Houses may erect Waste Pipes to communicate with Drains.

217. In all Streets, and other Places within the Burgh, where 25 Common Sewers are or may be constructed, it shall be lawful for any Owner of One or more Floors or Stories of any House or other Building divided into separate Floors or Stories (on obtaining Authority for the Purpose from the Magistrates summarily, after visiting the Premises, or on the Report and Recom- 30 mendation of the Surveyor, or of such other Person skilled in Building as any of the Magistrates may appoint, and on hearing the Parties interested,) to erect a Waste or Foul-water Pipe or Soil Pipe in or upon the common Staircase, or along the Back or Side Wall of the Tenement on the Outside, to communicate with any Drain underground 35 leading into the Common Sewer, where there is such Drain, and with Power to make such Drain if none such already exist: Provided always, that the Sanction of the Commissioners shall be obtained before connecting such Drain with any Common Sewer in the Street; and the Expense and Damage occasioned by erecting and constructing 40 such Pipe, Drain, and Communication, with the Expense of restoring the

the Street, so far as interfered with, and the Expense of keeping such Drain and Communication clean and in good Repair, with such reasonable Allowance for the Use of the Common Sewer in the Street as the Commissioners may fix, shall be defrayed by the Owners of the Floors or Flats making use thereof, in proportion to their respective Rents or annual Value, as the same may be ascertained from the Police Assessment Books or otherwise; and in case of Dispute among the Parties or any of them relative to their Proportion of such Expense, the same shall be determined by the Magistrates, or any One of them, in a summary Manner, and such Decision shall be final.

PART IV.

SECTION X.—*Supply of Water.*

Water.

Power to Commissioners to construct public Cisterns and Pumps for Supply of Water to Baths and Wash-houses.

218. The Commissioners shall cause all existing public Cisterns, Pumps, Wells, Conduits, Fountains, and other Waterworks used for the gratuitous Supply of Water to the Inhabitants within the Burgh to be continued, maintained, and supplied with Water, or they shall substitute other such Works equally convenient, and shall cause them to be maintained and supplied with Water; and such public Cisterns and other Works shall be vested in the Commissioners, and be under their Management and Control; and the Commissioners may construct and maintain any Number of new Cisterns, Pumps, Conduits, Fountains, and other Waterworks for the gratuitous Use of any Persons who choose to carry the same away, not for Sale, but for their own private Use, and may supply with Water any public Baths or Wash-houses.

Commissioners may contract for Supply of Water.

219. The Commissioners may contract, for any Period not exceeding Three Years at One Time, with the Owners of any Waterworks, or any other Person, for such Supply of Water as the Commissioners shall think necessary for the Purposes of this Act.

For ascertaining Price to be paid for Water, in case of Dispute.

220. If the Commissioners, and the Owners of any Waterworks authorized by Act of Parliament to supply Water within the Burgh, with whom the Commissioners may be desirous of contracting, do not agree as to the Terms and Conditions of the Supply and the Price to be paid for such Supply, then such Terms and Conditions and Price (except where by the Act authorizing such Waterworks some other Mode of determining such Terms and Conditions and Price shall be provided) shall be settled by Arbitration, and for that Purpose the Clauses of "The Lands Clauses Consolidation (Scotland) Act, 1845," with respect to the Settlement of Disputes by Arbitration, shall be incorporated with this Act.

 221. It

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Fire Cocks may be placed on Pipes of Water Companies.

221. It shall be lawful for the Commissioners, at the Sight of the Engineer of any Water Company established or to be established for supplying Water within the Burgh, or any Company actually supplying Water within the Burgh, to place proper Fire Cocks upon the Pipes belonging to any such Company within the Burgh, at such convenient Distances from each other and at such Places as may be considered proper for the Supply of the Fire Engines when brought into operation, the Positions of such Fire Cocks being first arranged by the Commissioners with the Directors of such Water Company; and in case of Difference of opinion between them the same shall be determined by the Sheriff of the County, whose Judgment thereon shall be final, and not subject to Review.

Commissioners may provide sufficient Supplies of Water, and may erect Waterworks, &c.

222. The Commissioners may provide the Burgh with such a Supply of Water as may be proper and sufficient for the Purposes of this Act, and for private Use to the Extent required by this Act; and for those Purposes, or any of them, the Commissioners may, from Time to Time, contract with any Person whomsoever, or purchase, take upon Lease, hire, construct, lay down, and maintain such Waterworks, and do and execute all such Works, Matters, and Things as shall be necessary and proper, including the opening of Streets, public or private, from Time to Time for the Purpose of laying down, altering, or repairing Water Pipes therein; and any Waterworks Company may contract with the Commissioners to supply Water for the Purposes of this Act in any Manner whatsoever, or may sell and dispose of or lease their Waterworks to the Commissioners; and the Commissioners may provide and keep in any Waterworks constructed or laid down by them under the Powers of this Act a Supply of pure and wholesome Water, and the Water so supplied may be constantly laid on at such Pressure as will carry the same to the Top Storey of the highest Dwelling House within the Burgh: Provided always, that before constructing or laying down any Waterworks under the Powers of this Act within any Limits within, for, or in respect of which any Waterworks Company shall have been established for supplying Water, the Commissioners shall give Notice in Writing to every Waterworks Company within whose Limits the Commissioners may be desirous of laying on or supplying Water, stating the Purposes for and (as far as may be practicable) the Extent to which Water is required by the Commissioners; and it shall not be lawful for the Commissioners to construct or lay down any Waterworks within such Limits, if and so long as any such Company shall be able and willing to lay on Water proper and sufficient for all reasonable Purposes for which it is required by the Commissioners; and in case any Difference shall arise as to whether the Water which any such Company is able and willing to supply or lay on is proper and sufficient for the Purposes for which it is required by the Commissioners, or whether the

In case of Waterworks constructed by Commissioners, the Water may be kept constantly under Pressure.

Commissioners not to construct Waterworks, &c., if any Waterworks Company within the Burgh be able and willing to supply Water upon Terms.

the Purposes for which it is required are reasonable, the same shall be settled by the Sheriff, upon summary Application by either of the Parties, and the Decision of the Sheriff shall be final.

Service Pipes to be laid by Owners.

223. Where the Commissioners are able and willing to supply the Houses or Tenements within the Burgh with Water for domestic and ordinary Purposes, the Owners of such Houses and Tenements shall be entitled to obtain such Supply by connecting a Service Pipe with the Main Pipes to be laid down by the Commissioners, the Expense of such Service Pipes and of connecting the same with the Main Pipes being defrayed by such Owners; and where the Houses and Tenements generally in any Street, public or private, within the Burgh shall be supplied with Water by means of such Service Pipes, it shall be competent to the Commissioners to require the Owner of any Tenement in such Streets not so supplied to take a Supply of Water by connecting a Service Pipe with the Main Pipe as aforesaid; and in the event of Refusal or Delay on the Part of such Owner to comply with such Requisition, it shall be lawful for the Commissioners to enter such House or Premises, and proceed to lay down such Service Pipe themselves, and to recover the Expense thereof from such Owner.

Water to be used only for domestic and ordinary Purposes, unless by Agreement with the Commissioners.

224. No Person within the Burgh shall be entitled, without special Agreement with the Commissioners, to use the Water supplied through the Pipes of the Commissioners, except for domestic and ordinary Purposes; but where there is a Supply of Water more than is required for such domestic and ordinary Purposes within the Burgh, it shall be lawful for the Commissioners to contract with any Person or Persons within the Burgh to supply any public Baths and Washhouses, Works, Manufactories, or other Premises within the Burgh with Water, at such Rate and upon such Terms and Conditions as may be agreed on, or, in the event of Disagreement, either as to the Ability of the Commissioners to give the Supply, or as to the Rate, Terms, or Conditions on or in respect of which the Supply is to be given, the same shall be fixed by the Sheriff, upon summary Application by either of the Parties, and the Decision of the Sheriff shall be final.

Penalty for injuring Waterworks, diverting Streams, or wasting Water.

225. Whosoever shall wilfully or carelessly break, injure, or open any Lock, Cock, Waste Pipe, or Waterworks belonging to or under the Management or Control of the Commissioners, or shall unlawfully flush, draw off, divert, or take Water from any Waterworks belonging to or under the Management or Control of the Commissioners, or from any Waters or Streams by which such Waterworks are supplied, or shall wilfully or negligently waste or cause to be

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wasted any Water with which he is supplied by the Commissioners, shall for every such Offence incur a Penalty not exceeding Five Pounds, and a further Penalty of Twenty Shillings for each Day whilst the Offence is continued after written Notice in that Behalf, which Penalties shall be paid to the Commissioners: Provided always, that nothing herein contained shall prevent the Owner or Occupier of any Premises through or by which any Streams may flow from using the same as they would have been entitled to do if this Act had not been passed.

Penalties on Persons for causing Water in Reservoirs to be fouled;

226. Whosoever shall bathe in any Stream, Reservoir, Conduit, Aqueduct, or other Waterworks belonging to or under the Management or Control of the Commissioners, or shall wash, cleanse, throw, or cause to enter therein any Animal, Rubbish, Filth, Stuff, or Thing of any Kind whatsoever, or shall cause or permit or suffer to run or be brought therein the Water of any Sink, Sewer, Drain, Engine, or Boiler, or other filthy, unwholesome, or improper Water, or shall do anything whatsoever whereby any Water belonging to the Commissioners, or under their Management or Control, shall be fouled, shall for every such Offence forfeit a Sum not exceeding Five Pounds, and a further Sum of Twenty Shillings for each Day whilst the Offence is continued, after written Notice in that Behalf; which Penalties shall be paid to the Commissioners; and whosoever, being Proprietor of any Gasworks, or being engaged or employed in the Manufacture or Supply of Gas, causes or suffers to be brought or to flow into any Stream, Reservoir, Conduit, Aqueduct, or Waterworks belonging to or under the Management or Control of the Commissioners, or into any Drain or Pipe communicating therewith, any Washing or other Substance produced in the Manufacture or Supply of Gas, or shall wilfully do any Act connected with the Manufacture of Gas whereby the Water in any such Stream, Reservoir, Aqueduct, or Waterworks is fouled, shall forfeit to the Commissioners for every such Offence the Sum of Two hundred Pounds, and, after the Expiration of Twenty-four Hours Notice in Writing from them in this Behalf, a further Sum of Twenty Pounds for every Day during which the Offence is continued, or during the Continuance of the Act whereby the Water is fouled, and every such Penalty shall be recoverable, along with the Expense of recovering the same, by an ordinary Action at their Instance; and if any Water supplied by or belonging to or under the Management or Control of the Commissioners be fouled in any Manner by the Gas of any such Proprietor or Person as last aforesaid, he shall forfeit to the Commissioners for every such Offence a Sum not exceeding Twenty Pounds, and a further Sum not exceeding Ten Pounds for every Day whilst the Offence is continued after the Expiration of Twenty-four Hours Notice in Writing from the

and on Proprietors of Gasworks, &c.

the Commissioners in this Behalf; and for the Purpose of ascertaining whether such Water is fouled by the Gas of any such Proprietor or Person, the Commissioners may lay open and examine any Pipes, Conduits, and Works from which the Gas is supposed to escape; 5 provided that before beginning so to do Twenty-four Hours Notice in Writing be given to the Person to whom such Pipes, Conduits, or Works belong, or under whose Management or Control they may be, of the Time at which the Examination is intended to be made; and if upon such Examination it appear that the Water has been fouled by 10 the Gas proceeding from or contained in the Pipes, Conduits, or Works examined, the Expenses of the Examination shall be paid and borne by the Person to whom such Pipes, Conduits, or Works belong, or under whose Management or Control they may be, and be recoverable from him in the same Manner as any Debt may be 15 recovered by the Law of Scotland; but if it appear that the Water has not been so fouled, then such Expenses, and all Damages occasioned by the Examination, shall be paid by the Commissioners out of the Police Assessment levied under this Act, and be recoverable from them as any Debt may be recovered by the Law of 20 Scotland.

CLAUSE P. Supply of Water for domestic Purposes.

227. A supply of Water for domestic and ordinary Purposes shall not include a supply of Water for Cattle or for Horses, or for washing Carriages, where the Horses and Carriages are kept for Hire, or are the Property of a Dealer, or for Steam Engines, or for Railway Pur- 25 poses, or for warming or ventilating Purposes in Public Buildings, or for working any Machine or Apparatus, or for any Trade, Manufacture, or Business whatsoever, or for watering Gardens by means of any Tap, Tube, Pipe, or other such like Apparatus, or for Fountains, or for flushing Sewers or Drains, or for Public Baths or 30 Wash-houses, or for any ornamental Purpose whatever.

CLAUSE Q. Certain Provisions of "The Waterworks Clauses Act" incorporated with this Act.

228. With respect to the Supply of Water within Burgh, all the Clauses and Provisions of "The Waterworks Clauses Act, 1847," with respect to the following Matters; (that is to say,)

With respect to the Construction of the Act, and any Act incor- 35 porated therewith:

With respect to the Construction of the Waterworks:

With respect to the Communication Pipes to be laid by the Inhabitants:

With respect to Waste or Misuse of the Water supplied by the 40 Undertakers:

With respect to the Provisions for guarding against fouling the Water of the Undertakers:

With respect to the Payment and Recovery of the Water Rates:

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And with respect to the Recovery of Damages not specially provided for, and of Penalties, and to the Determination of any other Matter referred to Justices or to the Sheriff:

Shall, so far as the same are not varied by the Provisions of this Act, be incorporated with this Act; and the Expression "the Undertakers" in the said Waterworks Clauses Act, shall, in reference to this Act, mean the Commissioners under this Act: Provided always, that the Water to be supplied by the Commissioners need not be constantly laid on under Pressure.

Commissioners may make Byelaws in reference to Water.

229. It shall be lawful for the Commissioners to make Byelaws regulating all or any Matters and Things whatsoever connected with the Water to be supplied within the Burgh through their Pipes.

PART IV.

SECTION XI.—*Supply of Gas.*

CLAUSE R. Commissioners may resolve to purchase Gasworks.

230. For the Purpose of supplying the Inhabitants of a Burgh, with Gas, in the Event of its appearing to the Commissioners expedient so to do, it shall be lawful for the Commissioners, by special Order only, to resolve to purchase or lease any Gasworks already erected or hereafter to be erected, and any Gasometers, Retorts, Machinery, Mains, Pipes, or other Works, Apparatus, or Materials connected therewith, and any Lands held or enjoyed therewith, and which Gasworks and Property connected therewith are herein-after termed the Gas Undertaking; Provided that no Commissioner who is a Shareholder in the Gas Undertaking proposed to be purchased or leased shall be entitled to vote at any Meeting of the Commissioners on any Resolution relating to such Purchase or Lease; and provided also, that in case there shall be more than One Gaswork erected in the Burgh at the Time of making such Purchase or Lease, the Commissioners shall be bound to purchase or lease the whole of such Gasworks.

CLAUSE S. Power to enter into Contracts for Purchase or Lease of Gasworks.

231. The Commissioners may enter into all necessary Contracts and Agreements with the Owner or Lessor of the Gas Undertaking for the Purchase or Lease thereof, and the Amount of the Price, Annual Dividend, Rent, or other Consideration to be paid therefor, shall be determined by Arbitration in the Manner provided by the said Lands Clauses Consolidation Acts, and not otherwise; and in the Event of the Commissioners purchasing the Gas Undertaking from any Joint Stock Company the Commissioners may contract with such Company, that the Price thereof, to be determined as aforesaid, shall be a principal Sum, or that the Compensation therefor, to be determined as aforesaid, shall be made by a fixed redeemable annual Dividend, payable by the Commissioners in One Sum, or in different Shares and Proportions to separate Persons, or that

that such Compensation shall be made partly by a principal Sum, and partly by such fixed, redeemable, annual Dividend; and the Commissioners may enter into all necessary Contracts and Agreements with such Company with regard to the Manner, Terms, and Conditions on which such fixed redeemable Annuity shall from Time to Time be paid, assigned, redeemed, or discharged.

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CLAUSE T. Dividend payable by Commissioners to be secured over Gasworks and Gas Rates.

232. If such Compensation, or any Part thereof, payable by the Commissioners, shall be made by way of a fixed, redeemable, annual Dividend, such Company, or the Person or Persons to whom the same may be payable, under the Provisions of any Contract or Agreement entered into with the Commissioners, shall, notwithstanding the granting of any Conveyance to the Commissioners of the Gas Undertaking, be Creditors of the Commissioners for the Amount of such annual Dividend, with legal Interest thereon, and the Expenses, if any, incident thereto incurred by any Default in Payment of the Commissioners, and be deemed to hold by virtue of this Act a Mortgage and Assignation of the Gas Undertaking transferred to the Commissioners by such Conveyance, and of the several Gas Rates and Charges leviable under the Provisions of this Act for the Supply of Gas in security of the said annual Dividend, Interest, and Expenses, which Mortgage and Assignation shall rank upon the Gas Undertaking, Gas Rates, and Charges preferable to any Mortgages, Bonds, Assignations, or other Securities granted by the Commissioners under the Authority of this Act, but without any priority among themselves if the said annual Dividend shall be payable to more Persons than One, and may be rendered available in the Manner herein-after provided, without Prejudice to the Company or other Person entitled thereto suing for and recovering Payment of the said annual Dividend, Interest, and Expenses by any other legal Means.

CLAUSE U. Appointment of Judicial Factor.

233. In the Event of any Half-yearly Payment of the said annual Dividend, or any Part thereof, or any Interest due thereon, not being paid within One Month after such Payment shall have become due, and after Demand thereof in Writing, it shall be lawful for the said Company, or any Person entitled to such Payment, to render their said Security effectual by the Appointment of a Judicial Factor, and the Application for such Appointment shall be made by summary Petition to the Court of Session, or, in time of Vacation, to the Lord Ordinary, on the Bills, who are hereby respectively authorized and required, on such Application being made by the said Company, or such Person or Persons, to appoint some Person as Judicial Factor, to the effect and with the Powers herein-after mentioned, unless previously to such Application being advised the Amount of such Half

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Year's Dividend, with Interest and Expenses, shall have been paid to the Petitioner or Petitioners, or unless the said Court or Lord Ordinary, as the Case may be, shall be satisfied that Consignation thereof should, under the Circumstances, be accepted in lieu of Payment, and such Consignation shall be made accordingly, and the Interlocutor making such Appointment shall be final. 5

CLAUSE X. Powers and Duties of Judicial Factor.

234. The Judicial Factor so appointed, on finding Security in common Form, shall exercise all the Powers conferred by this Act upon the Commissioners for and in relation to assessing, levying, and recovering the Gas Rates and Charges hereby granted for the Supply of Gas and managing and maintaining the Gas Undertaking, and the Commissioners shall hand over to him all Rate Books and other Books and Documents necessary for that Purpose, and after defraying the Expense of such Application, Management, and Maintenance, such Judicial Factor shall from Time to Time apply and pay over the Balance of the Sums received by him to the several Parties entitled to the same, according to the Priority hereby established, and such Judicial Factor shall continue not only until all Arrears of Dividend due at the Date of the Appointment of such Judicial Factor, and any Dividend which shall have become due during his Continuance in Office, with Interest and Expenses, including the Expenses of the Application for such Appointment and of carrying the Purposes thereof into execution shall have been paid, but until any Half Year's Dividend which, although not due, may become current during his Continuance in Office, and a sufficient Sum to meet Expenses shall have been paid or consigned in One of the Banks of Issue in Scotland; and upon Payment and Consignation as aforesaid of the said several Dividends, with Interest and Expenses, it shall be lawful for the Commissioners to apply to the Court of Session or Lord Ordinary as aforesaid for the Recall of the Appointment of the Judicial Factor. 10 15 20 25 30

CLAUSE Y. Power to manufacture and supply Gas.

235. On the Purchase or Lease of the Gas Undertaking being made or entered into, it shall be lawful for the Commissioners to manufacture Gas for the Purpose of lighting the Streets and Public Places within the Burgh, and of supplying Gas to the Inhabitants, Mills, Manufactories, Houses, and Buildings within such Burgh, and from Time to Time to maintain, improve, or alter the Gas Undertaking purchased or leased by the Commissioners in virtue of this Act; and to purchase and procure all such Materials, and to do all such Acts as the Commissioners shall consider necessary for the said Purpose, and to manufacture, sell, and dispose of the Coke and other Substances, Products, and Refuse, or Residuum arising or to be obtained from the Materials used in making Gas, and also to manufacture and sell 35 40

sell Gas Fittings, Tubes, Meters, Pipes, and all other Articles and Things in any way connected with Gasworks, or with the Supply of Gas to the Consumers thereof, in such Manner as the Commissioners may think proper.

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CLAUSE Z. Gas Pipes may be laid through or upon Buildings.

5 **236.** Subject to the Provisions contained in this Act and the Acts incorporated therewith, the Commissioners may lay any Pipe, Branch, or other necessary Apparatus, with the Consent of the Owner and Occupier of any Building, from any Main or Branch Pipes into, through, or against such Building, for the Purpose of 10 lighting the same or any adjoining Building; and may, with the like Consent, provide and set up any Apparatus necessary for securing to any Buildings a proper and complete Supply of Gas, and for measuring and ascertaining the Extent of such Supply.

CLAUSE A a. Gas to be consumed by Meter.

237. Every private Consumer of Gas supplied by the Commis- 15 sioners shall, upon request in Writing by the Commissioners, consume Gas by Meter, to be found and provided by the Commissioners if the Consumer shall not think fit to provide the same at his own Expense, and such Meter, if provided by the Consumer, shall be at all Times subject to the Inspection and Approval of the Officers and Servants 20 of the Commissioners.

CLAUSE B b. Commissioners to fix Rates for Gas.

238. The Commissioners may from Time to Time fix the Rates or Rents to be charged and levied by them for the Supply of Gas under this Act, and for the Use of Meters and other Apparatus connected with the Gasworks.

CLAUSE C c. Mode of Recovery of Rates for Gas.

25 **239.** The Commissioners may sue for, levy, and recover any Gas Rate or Rent, or other Charge exigible by them for the Supply of Gas and the Use of any Meter, in the Manner provided by "The Gasworks Clauses Act, 1847."

CLAUSE D d. Money received for Gas to be applied along with general Assessments.

240. All Gas Rates or Gas Rents, or other Monies received by 30 the Commissioners for the Gas supplied by them, and for the other Products or Materials manufactured or sold by them, shall be applied by them in paying the Interest of the Money borrowed for the Purchase or Lease of the Gas Undertaking, and of the Money to be annually set apart as herein provided, as a Sinking Fund for paying 35 off such borrowed Money, and in paying the annual Dividends, if any, payable by way of Compensation for such Purchase or Lease, and all the Expenses and Disbursements which the Commissioners shall consider chargeable against the Gas Department.

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CLAUSE E e.

241. Whenever the Commissioners shall resolve, in manner herein-before provided for, to purchase or lease any Gasworks and Premises connected therewith, and to supply the Inhabitants of the Burgh with Gas, it shall be lawful for them to charge all Occupiers of Lands and Premises within such Burgh according to the said Valuation Roll, with a special Assessment equal to but not exceeding Ninepence in the Pound of the gross yearly Value of such Lands or Premises, over and above any other Assessment or Rate to which such Persons may be liable under this Act, and which special Assessment shall, for the Purposes of this Act, be called the Gas Rate, and shall be leviable and recoverable in the same Way and Manner as the Police Assessment is herein-before provided to be levied and recovered.

CLAUSE F f. Application of Surplus Monies.

242. If any Surplus of the Monies to be received by the Commissioners for the Gas supplied by them, or for the other Products or Materials manufactured or sold by them, shall remain at the End of any Year after the whole Expenditure chargeable under this Act against the Gas Department in such Year shall have been paid or provided for, such Surplus shall be applied towards Payment of such Expenditure in the Year following, so that the Gas Rates or Rents may be proportionally diminished.

PART IV.

SECTION XII.—*Surveys and Plans.*

Commissioners to cause a Map of the Burgh to be made, and to be open to Inspection.

243. The Commissioners shall procure or cause to be made a Survey and Map or Maps of the Burgh on a Scale of not less than Sixty Inches to a Mile, and shall cause to be marked thereon the Course of all the existing Sewers and Drains belonging to them or under their Care or Management, and, as far as can be ascertained, the Lines of Pipes or Conduits for the Collection and Distribution of Water, the Course of the Pipes for the Distribution of Gas, and such other Works, with such other Particulars as may be necessary in order to show the underground Works within the Burgh, and shall cause the said Map to be from Time to Time corrected, and such Additions to be made thereto as may show the Sewers and Drains for the Time being belonging to the Commissioners, and such other Pipes and underground Works as aforesaid; and such Map and Plan, or a Copy thereof, with the Date expressed thereon of the last Time when it was so corrected, shall be kept in the Office of the Commissioners, and shall be open at all seasonable Hours to the Inspection of the Owners or Occupiers of any Lands or Premises within the Burgh.

244. The

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Officers of Ordnance may furnish Commissioners with Maps, or cause Surveys to be made.

244. The Principal Officers of Her Majesty's Ordnance may, if they think fit, on the Application of the Commissioners, and at their Expense, furnish, for the Use of the Commissioners, One or more Copies of any Map of the Burgh or any Part thereof which shall have been made under the Direction of the said Ordnance Officers, or may cause a Survey to be made of the Burgh on a Scale of not less than Sixty Inches to the Mile, by Surveying Officers appointed by them, for such Remuneration as shall previously be agreed upon between the said Principal Officers and the Commissioners.

Level Lines to be marked on Map, and Bench Marks to be made for denoting the same

245. The Commissioners shall cause to be marked on the Map so procured or caused to be made by them a Series of Marks and Figures at convenient Distances on the said Map, denoting the Height of the Ground at every such Mark above or below the Level of a particular Spot within the Burgh, which may be easily found and identified, the Position of which Spot shall be described on the Map, and shall also cause to be drawn, wherever practicable, Lines of equal Altitude at every Four Feet of Elevation, or at such other Intervals as may appear upon due Inquiry to be the best adapted for the Guidance of Works of Sewerage and Drainage, for the Collection and Distribution of Water, and for other Purposes within the Burgh for which a Knowledge of the Levels of the Burgh may be necessary, and shall also cause proper Bench Marks for denoting the Levels to be inscribed and marked at convenient Distances and Places, at the Corner of Streets, public or private, on Posts, Houses, or other prominent Objects within the Burgh.

Commissioners may cause Maps to be engraved, &c., and pay Expenses out of Assessments.

246. The Commissioners may cause every such Plan to be copied, engraved, or printed, and coloured, in such Manner as appears to them most convenient, and may defray the Costs of any Surveys and Maps made under their Direction, and any Costs incurred by them in regard to any such Map, out of the Police Assessment.

Commissioners to cause Plans to be prepared of new Works or Alterations of existing Works.

247. The Commissioners shall cause their Surveyor to prepare Plans of any new Works, and Additions to or Alterations of existing Works, that may be required for the effectual Drainage of Lands or Premises within the Burgh, including Provision for properly trapped Drains or Channels for the Removal of all waste Water and Refuse from such Lands or Premises and from the Surface of such Streets, and also to draw on such Plans the Lines that appear to him most advantageous for Main Sewers, and the best Outfalls for clearing the whole Burgh of Surface Moisture, and effecting the Drainage of the Subsoil, and to point out the most appropriate Means and Sites for the Collection and Sale of Filth and Refuse for Agricultural or other Purposes, and also to set forth any other

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Matters which may assist the Commissioners in carrying into execution, in an economical and effective Manner, the several Works required to be carried into execution under the Provisions of this Act, or which appear to be necessary for the Health and Convenience of the Inhabitants of the Burgh. 5

PART V.

GENERAL POLICE REGULATIONS.

SECTION I.—*Precautions during Repairs, and old and ruinous Tenements.*

Bars to be erected across Streets while Repairs or Alterations are making, and Lights placed at Night.

248. The Commissioners shall, during the Construction or Repair 10 of any Streets, public or private, and during the Construction or Repair of any Buildings, Sewers, or Drains, take proper Precaution for guarding against Accident, by shoring-up and protecting the adjoining Houses, and may stop any such Street, and prevent the same being used as a common Passage or Thoroughfare, while such Works 15 are carried on, as to them shall seem proper; and the Commissioners shall cause any Sewer or Drain or other Works, during the Construction or Repair thereof, to be lighted and guarded during the Night, so as to prevent Accidents; and every Person who uses such Streets while so stopped as a common Passage or Thoroughfare, or 20 extinguishes any Light, without the Authority or Consent of the Commissioners, shall for every such Offence be liable to any Penalty not exceeding Five Pounds.

Hoards to be set up during Repairs.

249. Every Person intending to build or take down any Building within the Burgh, or to cause the same to be so done, or to alter or 25 repair the outward Part of any such Building, or to cause the same to be so done, where any public or private Street or Footway may be obstructed or rendered inconvenient by means of such Work, shall obtain Authority from the Commissioners to put up, and such Authority being obtained shall put up, Hoards or Fences to the 30 Satisfaction of the Surveyor, in order to separate the Building where such Works are being carried on from such Street, with a convenient Platform and Handrail, if there be Room enough, to serve as a Footway for Passengers outside of such Hoard or Fence, and shall continue such Hoard or Fence, with such Platform and Handrail as 35 aforesaid, standing and in good Condition to the Satisfaction of the Commissioners during such Time as the Surveyor shall fix and the Public Safety or Convenience requires, and shall in all Cases in which it is necessary, in order to prevent Accidents, cause the same to be sufficiently

sufficiently lighted during the Night; and every such Person who puts up such Hoards or Fences without previously obtaining the Authority of the Commissioners so to do, or who fails to put up such Fence or Hoard, or Platform with such Handrail as aforesaid, or fails 5 to continue the same respectively standing and in good Condition as aforesaid during the Time aforesaid, or who does not, while the said Hoard or Fence is standing, keep the same sufficiently lighted during the Night, or who does not remove the same, when directed by the Commissioners, within a Time specified for that Purpose, shall for 10 every such Offence be liable to a Penalty not exceeding Five Pounds, and a further Penalty not exceeding Forty Shillings for every Day while such Default is continued.

Penalty for not lighting Deposits of Building Materials or Excavations.

250. When any Building Materials, Rubbish, or other Things are laid, or any Hole made, in any such Streets, whether the same be 15 done by Order of the Commissioners or not, the Person causing such Materials or other Things to be so laid, or such Hole to be made, shall at his own Expense cause a sufficient Light to be fixed in a proper Place upon or near the same, and continue such Light every Night from Sunsetting to Sunrising while such Materials or Hole 20 remain; and such Person shall, at his own Expense, cause such Materials or other Things and such Hole to be sufficiently fenced and enclosed until such Materials or other Things are removed, or the Hole filled up or otherwise made secure; and every such Person who fails so to light, fence, or enclose such Materials or other Things, or 25 such Hole, shall for every such Offence be liable to a Penalty not exceeding Five Pounds, and a further Penalty not exceeding Forty Shillings for every Day while such Default is continued.

Penalty for continuing Deposits of Building Materials or Excavations an unreasonable Time.

251. In no Case shall any such Building Materials or other Things, or such Hole, be allowed to remain longer than may be fixed 30 by the Surveyor, under a Penalty not exceeding Five Pounds, to be paid for every such Offence by the Person who causes such Materials or other Things to be laid, or such Hole to be made, and a further Penalty not exceeding Forty Shillings for every Day during which such Offence is continued after the Conviction for such Offence.

Dangerous Places to be repaired or enclosed.

35 **252.** If any Building or Hole or any other Place near any public or private Street be, for Want of sufficient Repair, Protection, or Enclosure, dangerous to the Passengers along such Streets, the Commissioners shall cause the same to be repaired, protected, or enclosed so as to prevent Danger therefrom.

Ruinous or dangerous Buildings to be taken

40 **253.** If any Building or Wall, or anything affixed thereon, within the Burgh, be deemed by the Surveyor of the Commissioners to be in a ruinous State, and dangerous to Passengers or to the Occupiers

 thereof

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down or secured by Owners, &c.

thereof or of the neighbouring Buildings, such Surveyor shall immediately cause such Occupiers endangered thereby to remove from the Occupancy of such Buildings, until the same are put into a safe Condition; and shall cause a proper Hoard or Fence, or Props, to be put up for the Protection of Passengers, and shall also cause, if he shall judge necessary, the neighbouring Buildings to be properly shored up, and shall cause Notice in Writing to be given to the Owner of such Building or Wall, if he be known and resident within the Burgh, and shall also cause such Notice to be put on the Door of such Building or on such Wall, or on a conspicuous Part thereof, or otherwise to be given to the Occupier thereof, if any, requiring such Owner forthwith to take down, secure, or repair such Building, Wall, or other Thing, or as the Case shall require; and if such Owner do not begin to repair, take down, or secure such Building, Wall, or other Thing, within the Space of Three Days after any such Notice has been so given or put up as aforesaid, and complete such Repairs or taking down or securing as speedily as the Nature of the Case will admit, such Surveyor may make Complaint thereof to the Sheriff, and it shall be lawful for the Sheriff, after inquiry, to order the Owner of such Building, Wall, or other Thing to take down, rebuild, repair, or otherwise secure, to the Satisfaction of such Surveyor, the same, or such Part thereof as appears to them to be in a dangerous State, within a Time to be fixed by the Sheriff; and in case the same be not taken down, repaired, rebuilt, or otherwise secured within the Time so limited, the Commissioners shall with all convenient Speed cause all or so much of such Building, Wall, or other Thing as shall be in a ruinous Condition and dangerous as aforesaid to be taken down, repaired, rebuilt, or otherwise secured in such Manner as shall be requisite; and all the Expenses of enforcing such Removal and of putting up every such Fence, and of shoring up such Buildings, and of taking down, repairing, rebuilding, or securing such Building, Wall, or other Thing, shall be paid by the Owner thereof.

If Owner, &c. neglect to repair, Commissioners may cause the same to be done, charging Owner, &c. with the Expenses.

The Expenses to be levied on the Owner.

254. If the Owner of such Building or Wall, or Thing affixed thereon, can be found within the Burgh, and if, on Demand of the Expenses aforesaid, he neglect or refuse to pay the same, the Sheriff shall, on a Certificate of such Demand and Neglect or Refusal, signed by the Clerk, grant Decree against such Owner for Payment thereof, on which Decree all legal Diligence may proceed, or the Commissioners may proceed against such Owner for the Recovery of the said Expenses in Terms of the general Provisions for Recovery of Expenses under this Act, or otherwise as Accords of Law.

If Owner cannot be found, Commissioners

255. If such Owner cannot be found within the Burgh, or if such Expenses are not otherwise fully recovered, the Commissioners, after giving Twenty-eight Days Notice of their Intention to do so, by posting

posting a printed or written Notice in a conspicuous Place on such Building or Wall, or on the Land whereon such Building or Wall stood, may take such Building or Land, provided that such Expenses be not paid or tendered to them within the said Twenty-eight Days, making Compensation to the Owner of such Building or Land in the Manner provided by "The Lands Clauses Consolidation (Scotland) Act, 1845," in the Case of Lands taken otherwise than with the Consent of the Owners and Occupiers thereof, and the Commissioners shall be entitled to deduct out of such Compensation the Amount of the Expenses aforesaid, and may thereupon sell or otherwise dispose of the said Building or Land for the Purposes of this Act.

may take the House or Ground, making Compensation.

256. If any such House or Building as aforesaid, or any Part of the same, be pulled down by virtue of the Powers aforesaid, the Commissioners may sell the Materials thereof, or so much of the same as shall be pulled down, and apply the Proceeds of such Sale in Payment of the Expenses incurred in respect of such House or Building; and the Commissioners shall restore any Surplus arising from such Sale to the Owner of such House or Building, on Demand; nevertheless the Commissioners, although they sell such Materials for the Purposes aforesaid, shall have the same Remedies for compelling the Payment of so much of the said Expenses as may remain due after the Application of the Proceeds of such Sale as are hereinbefore given to them for compelling the Payment of the whole of the said Expenses.

Commissioners may sell the Materials, restoring to the Owner Overplus arising from the Sale.

257. If any Houses, Buildings, and other Tenements or Areas have become waste and ruinous within the Burgh, and have become Receptacles for Filth and other Nuisances, or unsafe and unfit for Use and Occupation, and which, being held by Two or more joint Owners, cannot be rebuilt or disposed of to Advantage without the Consent of all the Parties interested therein, and the same are allowed to continue in a waste and ruinous or unsafe State in consequence of the Parties being unable or unwilling or delaying to agree as to the Sale or rebuilding thereof, it shall be lawful to the Sheriff, upon the Application by Petition of the Procurator Fiscal of Court, or of the Commissioners, or their Surveyor, or of any Owner or Party interested in any such Houses, Buildings, or other Tenements, to call all Parties interested therein before the Sheriff, in the usual Manner and Form followed in his Court, and to order such Tenements or Areas to be valued by not less than Three Men of Skill, upon Oath, who shall distinguish the Portions of Tenement, and the corresponding Proportion of the apprized Value, which belong to the several Parties interested, and thereupon to give each Party the Option to buy and acquire from, or to sell and convey to the others, their respective

Ruinous Buildings belonging to Two or more Owners may be sold.

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Portions of or Interests in such Tenements, agreeably to such Valuation, or at such other Price as shall be agreed on amongst themselves, and that within a reasonable Time to be fixed by the Sheriff, not exceeding Six Weeks.

How Sale to be carried through.

258. If any of the said Parties fail to take advantage of the said Option within the Time so fixed, or shall not be able to agree as to which shall be the Buyer and which the Seller, it shall be lawful to the said Sheriff to cause such Tenements to be exposed to Sale by public Auction at a Price not being less than the apprized Value, and in case of no Offerers to reduce the upset Price from Time to Time, and to sell the same to the highest Bidder, under such Regulations, and upon such Conditions, and after such public Notice by Advertisement in the Newspapers, or otherwise, as the Sheriff shall appoint, and the Purchaser thereof shall be taken bound within Ten Days after the Sale, or within such Time as may be fixed by the Sheriff, to consign or deposit the whole Amount of the Purchase Money in any One of the Banks established by Act of Parliament or Royal Charter, upon a Receipt or Voucher, subject to the Orders of the Sheriff, otherwise the Sale to be void and null, and the Money so deposited shall remain at Interest for the Behoof of all Parties interested therein, under the sole Control and subject to the future Orders of the Sheriff.

Completion of Purchaser's Title.

259. Upon such Deposit being so made, the Sheriff shall pronounce his Decree or Warrant declaring the Purchase duly completed, and authorizing immediate Possession of the Tenements so sold to be given to the Purchaser thereof; and such Warrant or Decree shall, upon being registered in the Register of Sasines in which the prior Titles of such Subjects may have been registered, be a valid and sufficient Title to such Purchaser, who shall thereafter be at full Liberty to exercise every lawful Right of Property therein, without being subject to Challenge by any Party whomsoever.

If Purchaser do not fulfil Conditions of Sale, may be resold.

260. In case the Purchaser at any such Sale as aforesaid shall fail to fulfil the Conditions thereof within the Time thereby prescribed, it shall be lawful to the Sheriff to cause the Tenements to be re-exposed and sold anew; and such Sale shall be proceeded in in every respect in like Manner as is herein-before provided in regard to the first Sale; and the Sheriff shall continue, in case of Failure as aforesaid, to cause the said Tenements to be re-exposed for Sale, until the same shall be sold, and the Price thereof consigned or deposited in Bank as aforesaid.

Application of Price.

261. Upon the Completion of any such Sale, the Sheriff, on the Application of any of the Parties concerned, shall, upon such legal Evidence, by Writing, Witnesses, Oath of Party, or Report of skilled Persons,

Persons, upon Oath or otherwise, as he may deem expedient, proceed to ascertain and determine the Extent and Value of the Share of each Party claiming Interest in the Tenements so sold, and to apportion and divide the Price obtained for the same, and deposited as aforesaid, 5 and order Payment thereof to the several Parties accordingly, subject always to such Finding or Order in respect of Costs as the Sheriff may pronounce.

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CLAUSE G g. Ruinous Tenements may be sold.

262. If any Houses, Buildings, or other Tenements or Areas within Burgh have become waste and ruinous, or have become Recep- 10 tacles for Filth and other Nuisances, or unsafe and unfit for Use and Occupation, the Commissioners may, by a Notice addressed to the Owner if his Address shall be known, or if not known by a Notice affixed to a conspicuous Part of such Houses, Buildings, or other Tenements or Areas, require the same to be rebuilt or otherwise put 15 into a State of Repair to their Satisfaction, within Three Months from the Date of such Notice; and in the event of such Requisition not being complied with the Commissioners may apply to the Sheriff for Warrant to sell such Houses, Buildings, or other Tenements, or Areas, and it shall be lawful to the Sheriff to order the same to be 20 valued, and exposed for Sale by Public Auction, and to sell the same: Provided always, that such Sale shall be made and carried out, or Re-sale effected, the Price deposited and applied, and the Purchaser's Title completed, in the Way and Manner herein-before directed with reference to waste and ruinous Buildings or Tenements or Areas 25 within Burgh, held by Two or more joint Owners.

PART V.

SECTION II.—*Nuisances and Obstructions in the Streets.*

Power to prevent Obstructions in the Streets during public Processions, &c.

263. The Magistrates or Commissioners may from Time to Time make Orders for the Route to be observed by all Carts, Carriages, 30 Horses, and Persons, and for preventing Obstruction of the Streets of the Burgh, public or private, in all Times of public Processions, Rejoicings, or Illuminations, and in any Case when such Streets are thronged or liable to be obstructed, and may also give Directions to the Constables for keeping Order and preventing any Obstruction 35 of such Streets in the Neighbourhood of Theatres and other Places of public Resort; and every wilful Breach of any such Order shall be deemed an Offence against this Act, and every Person committing any such Offence shall be liable to a Penalty not exceeding Forty Shillings.

Power to impound stray Cattle.

264. If any Cattle be at any Time found at large in any such 40 Street of the Burgh, without any Person having the Charge thereof, any Constable or Officer of Police, or any Person residing within the Burgh, may seize and impound such Cattle, and may detain the same

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until the Owner thereof pay to the Commissioners a Penalty not exceeding Forty Shillings, besides the reasonable Expenses of impounding and keeping such Cattle.

Power to sell stray Cattle for Penalty and Expenses.

265. If the said Penalty and Expenses be not paid within Three Days after such impounding, the Person by whom such Cattle were seized and impounded as aforesaid, or other Person appointed by the Commissioners for that Purpose, may proceed to sell such Cattle or cause the same to be sold; but previous to such Sale Seven Days Notice thereof shall be given to or left at the Dwelling House or Place of Abode of the Owner of such Cattle, if he be known, or if not, then Notice of such intended Sale shall be given by Advertisement, to be inserted Seven Days before such Sale in some Newspaper published or circulated within the Burgh in which the Seizure was made; and the Money arising from such Sale, after deducting the said Sums, and the Expenses aforesaid, and all other Expenses attending the impounding, advertising, keeping, and Sale of any such Cattle so impounded, shall be paid to the Commissioners, and shall be by them paid, on Demand, to the Owner of the Cattle so sold.

Penalty on Persons committing any of the Offences herein named.

266. Every Person who commits any of the following Offences shall, on Conviction on the Evidence of One or more credible Witnesses, be liable to a Penalty not exceeding Forty Shillings for each Offence, or, in the Discretion of the Magistrate before whom he is convicted, may, without a Penalty being inflicted, be committed to Prison, there to remain for a Period not exceeding Fourteen Days; and any Constable or other Officer appointed by virtue of this Act shall take into Custody, without Warrant, and forthwith convey before a Magistrate, any Person who within his View commits any such Offence; (that is to say,)

Every Person who in any Street, public or private, exposes for Show, Hire, or Sale (except in a Market or Market Place or Fair lawfully appointed for that Purpose) any Horse or other Animal; or to the Obstruction, Annoyance, or Danger of the Residents or Passengers, exhibits in a Caravan or otherwise any Show or public Entertainment; or who in any such Street shoes, bleeds, or farries any Horse or Animal (except in Cases of Accident); or cleans, dresses, exercises, trains, or breaks or turns loose any Horse or Animal; or makes or repairs any Part of any Cart or Carriage (except in Cases of Accident where Repair on the Spot is necessary):

Every Person who allows any Bull or other dangerous Animal to be in any such Street without being secured by means of a Rope attached to a Ring through the Nose of such Animal:

Every

Every Person who suffers to be at large any unmuzzled ferocious Dog, or sets on or urges any Dog or other Animal to attack, worry, or put in fear any Person or Animal:

Every Owner of any Dog who suffers such Dog to go at large, knowing or having reasonable Grounds for believing it to be in a rabid State, or to have been bitten by any Dog or other Animal in a rabid State:

Every Person who, after public Notice given by any Sheriff or Magistrate directing Dogs to be confined on account of Suspicion of Canine Madness, suffers any Dog to be at large during the Time specified in such Notice:

Every Person who, elsewhere than in a Slaughter-house, slaughters or dresses any Cattle or any Part thereof, except in the Case of any Cattle over-driven which may have met with any Accident, and which for the Public Safety or other reasonable Cause ought to be killed on the Spot:

Every Person having the Care of any Waggon, Cart, or Carriage who rides on the Shafts thereof, or otherwise than on the Forepart of such Waggon, Cart, or Carriage, and in such a Position as readily to see immediately before and on either side thereof; or who, without having Reins with a Bit attached thereto, and in the Mouth of the Animal drawing the same, and holding such Reins, rides upon such Waggon, Cart, or Carriage, or any Animal drawing the same; or who is at such a Distance from such Waggon, Cart, or Carriage, or in such a Position therein, as not to have due Control over every Animal drawing the same; or who does not, in meeting any other Carriage, keep his Waggon, Cart, or Carriage to the Left or Near Side, or who in passing any other Carriage does not keep his Waggon, Cart, or Carriage on the Right or Off Side of the Road (except in Cases of actual Necessity, or some sufficient Reason for Deviation); or who, by obstructing any such Street, wilfully prevents any Person or Carriage from passing him, or any Waggon, Cart, or Carriage under his Care:

Every Person who at One Time drives more than Two Carts or Waggons; and every Person driving Two Carts or Waggons who has not the Halter of the Horse in the last Cart or Waggon securely fastened to the Back of the First Cart or Waggon, or has such Halter of a greater Length from such fastening to the Horse's Head than Four Feet:

Every Person who in any such Street rides or drives furiously any Horse or Carriage, or drives furiously any Cattle:

Every Person who in any such Street causes any public Carriage, Sledge, Truck, or Barrow, with or without Horses or any Beast of Draught

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Draught or Burden, to stand longer than is necessary for loading or unloading Goods, or for taking up or setting down Passengers (except Hackney Carriages, and Horses and other Beasts of Draught or Burden, standing for Hire in any Place appointed for that Purpose by the Commissioners or other lawful Authority); and every Person who, by means of any Cart, Carriage, Sledge, Truck, or Barrow, or any Animal or other Means, wilfully interrupts any public Crossing, or wilfully causes any Obstruction in any public Footpath or other public Thoroughfare: 5 10

Every Person who causes any Tree or Timber, Iron Beam, Stone, or other Thing to be drawn or hauled otherwise than upon a wheeled Carriage, or who causes any Tree or Timber, Iron Beam, Stone, or other Thing to be drawn in or upon any Carriage without having sufficient Means of safely guiding the same: 15

Every Person who leads or rides any Horse or other Animal, or draws or drives any Cart or Carriage, Sledge, Truck, or Barrow, upon any Footway of any such Street, or fastens any Horse or other Animal so that it stands across or upon any Footway: 20

Every Person who places or leaves any Furniture, Goods, Wares, or Merchandise, or any Cask, Tub, Basket, Pail, or Bucket, or places or uses any Standing Place, Stool, Bench, Stall, or Showboard on any Footway, or who places any Blind, Shade, Covering, Awning, or other Projection over along any such Footway, unless such Blind, Shade, Covering, Awning, or other Projection is Eight Feet in Height at least in every Part thereof from the Ground: 25

Every Person who in any such Street carries about on any Carriage or on Horseback any Picture, Placard, Notice, or other Advertisement, whether written, printed, or painted upon or posted or attached to any Part of such Carriage or on any Board or otherwise: 30

Every Person who places, hangs up, or exposes to Sale any Goods, Wares, Merchandize, Matter, or Thing whatsoever, so that the same project into or over any Footway, or beyond the Line of any House, Shop, or Building at which the same are so exposed, so as to obstruct or incommode the Passage of any Person over or along such Footway: 35

Every Person who shall hang or place any Linen or Clothes or other such Article on any Rail or Fence of any Premises: 40

Every Person who writes upon, soils, defaces, or marks any Wall, Fence, Hoarding, or Building with Chalk or Paint or in any other Way, or who without Authority affixes or causes to be affixed to any Church, Chapel, or Schoolhouse, or without the Consent 45

Consent of the Owner and Occupier to any other Building, or to any Wall, Fence, or Hoarding, any Bill or other Notice, or who wilfully breaks, destroys, or damages any Part of such Wall, Fence, Hoarding, or Building, or any Tree, Shrub, Seat, or other Thing:

Every Person who conveys in any open Cart or Waggon or otherwise through such Streets the Carcasses, or any Parts thereof, of Animals slaughtered for Sale, without the same being properly covered up from public View; or exposes such slaughtered Carcasses, or any Parts thereof, or their Skins or Offals, outside of the Doors or Windows of any Shop in any such Street; or shall use Machines to mince or hash such Animal Food, to the Annoyance of the Residents:

Every Person who rolls or carries any Cask, Tub, Hoop, or Wheel, or any Ladder, Plank, Pole, Timber, Log of Wood, Basket, Board, or Tray, upon any Footway, except for the Purpose of loading or unloading any Cart or Carriage, or of crossing the Footway:

Every Person who places any Line, Cord, or Pole across, upon, or over any Part of any such Street, or hangs or places any Clothes thereon, or on the Outside of any Window fronting any such Street:

Every common Prostitute or Nightwalker loitering or importuning Passengers for the Purpose of Prostitution:

Every Person who wilfully and indecently exposes his Person; or who commits any Nuisance:

Every Person who publicly offers for Sale or Distribution, or exhibits to public View, any profane, indecent, or obscene Book, Paper, Print, Drawing, Painting, or Representation:

Every Person who discharges any Firearm, or throws or discharges any Stone or other Missile, or makes any Bonfire, or throws or sets fire to any Firework:

Every Person who pulls or rings any Door Bell, or knocks at any Door for the Purpose of begging, or on the Pretence of buying or selling old Clothes, or of hawking or collecting any Article, or who in any other similar Manner disturbs any Inhabitant without reasonable Cause, or who without Authority extinguishes the Light of any Lamp:

Every Person, not a Soldier on Duty, who in any such Street plays any Instrument of Music as one of a Band attending or accompanying any Procession, without the written Consent of a Magistrate:

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Every Person who in any such Street flies any Kite, or who makes or uses any Slide upon Ice or Snow:

Every Person who in any such Street cleanses, hoops, fires, washes, or scalds any Cask or Tub, or hews, saws, bores, or cuts any Timber or Stone, or slacks, sifts, or screens any Lime: 5

Every Person who in any such Street throws or lays down any Stones, Coals, Slate, Shells, Lime, Bricks, Timber, Iron, or other Materials (except Building Materials so enclosed as to prevent Mischief to Passengers):

Every Person who in any such Street beats or shakes any Carpet, Rug, or Mat (except Rugs or Mats beaten or shaken before the Hour of Eight in the Morning): 10

Every Person who fixes or places any Flower Pot or Box or other heavy Article in any upper Window, without sufficiently guarding the same against being blown down: 15

Every Person who, to the Annoyance or Danger of the Residents or Passengers, throws from the Roof or any Part of any House or other Building any Slate, Brick, Wood, Rubbish, or other Thing, except Snow thrown so as not to fall on any Passenger:

Every Occupier of any House or other Building, or other Person, who orders or permits any Person in his Service to stand on the Sill of any Window, in order to clean, paint, or perform any other Operation upon the Outside of such Window, or upon any House or other Building, unless such Window be in the sunk or Basement Storey: 20 25

Every Person who shall use any threatening, abusive, or insulting Words or Behaviour, with Intent or calculated to provoke a Breach of the Peace, or whereby a Breach of the Peace may be occasioned:

Every Person who shall sing any profane or obscene Song, or use any obscene, abusive, or indecent Language to or to the Annoyance of any Person in going or passing along any such Street: 30

Every Person who shall jostle or annoy any such Person passing thereon:

Every Person who shall discharge any Smoke or Steam from any Premises (otherwise than from the Top thereof) into any such Street, or suffer or permit the condensed Water or Moisture from any Steam Pipe, Flue, or Funnel to fall into or upon such Street: 35

Every Person who leaves open any Vault or Cellar, or the Entrance from any Street to any Cellar or Room underground, without a sufficient Fence or Handrail, or leaves defective the Door, Window, or other Covering of any Vault or Cellar, or who does not sufficiently fence any Area, Pit, or Sewer left open, 40

open, or who leaves such open Area, Pit, or Sewer without a sufficient Light after Sunset to warn and prevent Persons from falling thereinto:

Every Person who throws or lays any Dirt, Litter, or Ashes or Nightsoil, or any Carrion, Fish, Offal, or Rubbish, Slops, or dirty Water, on any Street, back Area, Court, or Place, or Sea Beach or Strand within the Boundaries of a Burgh, or causes or allows any Matter, solid or liquid, to fall or run on any such Street: Provided always, that it shall not be deemed an Offence to lay Sand or other Materials in any such Street in Time of Frost, to prevent Accidents, or Litter or other suitable Materials to prevent the freezing of Water in Pipes, or in case of Sickness to prevent Noise, if the Party laying any such Things causes them to be removed as soon as the Occasion for them ceases:

Every Person who keeps any Pigstye to the Front of any such Street, or who keeps any Swine in or near any such Street:

Provided always, that if any Rubbish, Lead, Iron, Wood, Goods, Commodities, or other Article, Matter, or Thing whatever, shall be placed or allowed to remain in any such Street, to the Obstruction, Annoyance, or Danger of the Residents or Passengers, it shall be lawful for and in the Power of the Superintendent or other Constable of Police to remove or cause the same to be immediately removed and carried to any Place of Safety, there to remain, at the Risk of the Owner and Person offending, and to detain the same until the Expense of Removal and Detention are paid; and if such Expense shall not be paid within Seven Days, to sell or dispose of the same, and apply the Proceeds as the Magistrates or any of them shall direct.

Owners of Carts, &c. to have Names painted thereon.

267. The Owner of every Waggon, Cart, or Carriage used for the Conveyance of Goods, or plying for Hire, shall have his Christian Name, Surname, and Place of Abode painted in a straight Line horizontally upon some conspicuous Part on the Off or Right Side of such Waggon, Cart, or Carriage, in large legible Roman Letters, either of a dark Colour upon a light Ground, or of a light Colour upon a dark Ground, not less than One Inch in Height, with Numbers, beginning with Number One where more of such Carriages respectively than One shall belong to the same Owner, and proceeding in regular Progression, failing which such Owner shall be liable to a Penalty not exceeding Forty Shillings for every Time such Waggon, Cart, or Carriage shall be found in any Street.

Persons under 14 Years of Age not to drive Carts, &c.

268. The Owner of any Waggon, Cart, or Carriage who shall cause or permit such Waggon, Cart, or Carriage to be driven in any Street, public or private, by any Person who is not of the full Age of Fourteen Years, and every Person who in any such Street shall put

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put a Waggon, Cart, or Carriage, and the Animal drawing the same, temporarily under the Charge or Care of a Person who is not of the full Age of Fourteen Years, shall be liable to a Penalty not exceeding Forty Shillings.

Penalty on drunken Persons, &c. guilty of riotous or indecent Behaviour.

269. Every Person guilty of any riotous or indecent Behaviour in any Street, public or private, and also every Person guilty of any violent or indecent Behaviour in any Police Office or any Police Station House within the Burgh, shall be liable to a Penalty not exceeding Forty Shillings for every such Offence, or, in the Discretion of the Magistrate before whom he is convicted, may, without a Penalty being inflicted, be imprisoned for a Period not exceeding Seven Days.

Regulations as to Places for Sale of Refreshments.

270. Every Person who occupies a Building or Part of a Building or other Place of public Resort for the Sale or Consumpton of Provisions or Refreshments of any Kind, (other than and except a Refreshment Room attached to any Railway Station for the Accommodation of Passengers,) and who opens his Premises for Business before Five o'Clock in the Morning, or keeps them open, or does Business therein after Midnight, unless specially allowed by the Superintendent of Police in case of Emergency, shall, upon Conviction before a Magistrate, for every such Offence be liable to a Penalty not exceeding Forty Shillings.

Removal of Furniture.

271. It shall be lawful for any Officer appointed by virtue of this Act to stop and detain, until due Inquiry can be made, any Cart or Carriage, and any Person in charge thereof or connected therewith, found within the Burgh employed in removing Furniture between the Hours of Eight in the Evening and Six in the Morning, except at the usual Terms of removing observed within the Burgh.

Dogs in private Premises.

272. If any Person shall have or keep or suffer to be kept within any Premises any Dog or any Fowl or other Animal which shall be an Annoyance to any of the Inhabitants in the Neighbourhood, and shall not prevent the Continuance of such Annoyance by removing such Dog, Fowl, or other Animal, or otherwise, within such Time as the Magistrate shall determine, which he is hereby authorized to do in a summary Manner, such Person shall, upon Conviction before the Magistrate, for every such Offence be liable to a Penalty not exceeding Forty Shillings; and it shall be lawful to Constables, Officers of Police, or other Officers of the Law and their Assistants, to seize and take possession of and remove any Dog or other Animal being an Annoyance as aforesaid, and not removed when so ordered.

273. It

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Street Musicians.

273. It shall be lawful for any Householder, personally or by his Servant, or by any Officer of Police, to require any Street Musician or Singer to depart from the Neighbourhood of the House of such Householder, on account of the Illness of any Inmate of any such House, or for other reasonable Cause; and every Person who shall continue to sound or play any Musical Instrument or sing after being so required to depart shall be liable to a Penalty not exceeding Twenty Shillings.

Power to regulate Shows, &c.

274. It shall be lawful for the Magistrates to restrain, regulate, or prohibit all public Shows, Exhibitions, or Representations, and also to restrain and regulate the Use of Apartments in common Tenements or in any Booth for dancing on any Occasion, at any Time which shall appear necessary for preserving Order and Decorum, and to make and establish Regulations and Prohibitions to that Effect; and if any Person shall open or be concerned in opening any public Show, Exhibition, or Representation without the Sanction or Permission of the Magistrates, or shall contravene any such Regulation or Prohibition, such Person shall for every such Offence forfeit a Penalty not exceeding Five Pounds.

PART V.

SECTION III.—*Prevention of Fraud.*

Weighing Machines to be erected.

275. It shall be lawful for the Commissioners to erect, so far as not already done, and maintain, Steelyards, Scales, or other Weighing Machines, upon or adjacent to the Streets, public or private, or at any other convenient Places within the Burgh, for the Purposes herein-after mentioned, or to grant Powers to others to that Effect, and to appoint proper Persons to attend the same, with suitable Allowances for their Trouble.

Power to Purchaser of Coals to require them to be weighed.

276. It shall be competent to the Purchaser of any Coals, or to the Driver of any Cart loaded with Coals, to require that any such Cart loaded with Coals shall be weighed at the said Steelyard, Scales, or other Weighing Machines, and the Weight of the Coals and of the Cart, and also the Time of such weighing, marked on a Ticket, shall be delivered to the Driver thereof; and the Person having the Charge of such Steelyards, Scales, or other Weighing Machines shall exact and receive from the Driver for each Cart a Sum not exceeding One Penny Halfpenny for weighing the Coals and delivering the Ticket as aforesaid, and the Money so to be paid shall be repaid to such Driver by the Purchaser of the Coals or Person to whom the same are delivered, on the Ticket thereof being produced.

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Power to provide portable Machines for weighing Coals.

277. It shall be lawful for the Commissioners to provide, furnish, and maintain such Number of portable or moveable Machines for weighing Coals as they may deem necessary, to be kept at convenient Places within the Burgh, in order that the Inhabitants may have Access to them for the Purpose of reweighing their Coals at their own Expense, if they shall be so inclined, and to employ proper Persons to attend such Machines, and to establish the Rates to be payable for such reweighing; and it shall be lawful for the Superintendent of Police, or any other Officer acting under this Act, to cause Coals offered for Sale or for Delivery to be reweighed, and to require the Driver to produce the Ticket thereof, as a Check on the Conduct of Drivers and others, such reweighing being always done free of Expense.

Retailers of Coals to keep Scales and Weights for weighing at the Time of Delivery.

278. For the Purpose of ascertaining the Weight of Coals sold in Quantities of not less than Half a Ton within any Yard, Depôt, Cellar, Fold, or Place where they may be kept, or from any Cart on which they may be carried by Dealers for Sale, such Dealers shall be obliged to have and keep Scales and Weights of the legal Standard within such Yard, Depôt, Cellar, Fold, or other Place, and also to have such Scales and Weights attached to the Cart used by them for the Sale of such Coals, whereby the Coals so sold by Retail may be weighed at the Time of the Sale or Delivery, and such Dealers shall be obliged to weigh the same, upon being required to do so either by the Person purchasing the same or by any Constable or Officer of Police; and any such Dealer in Coals failing to have and keep such Scales and Weights, or refusing to weigh the Coals as aforesaid, shall be liable to a Penalty not exceeding Forty Shillings, and Five Pounds for any subsequent Offence.

Regulations as to Sale of Coals of Half a Ton Weight.

279. Any Dealer in or Person selling Coals, who shall sell any Quantity of the same equal to or exceeding Half a Ton Weight, shall be bound to deliver to the Carter, or Person in charge of the said Coals, to be given to the Purchaser, an Account or Memorandum specifying the true Tare of the Cart conveying the said Coals, and the true Weight and Price of the Coals, and the exact Time the Cart shall leave the Premises of the said Dealer or other Person selling, under a Penalty of Twenty Shillings for each Offence in any One of such Particulars.

Penalty.

Carter to deliver Memorandum.

280. The Carter or Person in charge of the said Coals shall be bound to exhibit such Account or Memorandum to any Police Constable who may demand the same, and immediately on his Arrival at the Place of Delivery shall deliver the same to the Purchaser

Purchaser or Inmate or other Person in charge of the House or Place of Delivery, under a Penalty of Twenty Shillings for each Offence in either of the said Particulars.

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CLAUSE H h. Penalty for selling Coals by Retail in Carts, &c. without Scales and Weights.

281. Every Person who sells Coal in Quantities of less than Half a Ton in Weight shall have and keep Scales and Weights of the legal Standard, and shall weigh such Coal before Delivery; and when such Coal is sold or delivered from a Waggon, Cart, or Carriage such Scales and Weights shall be attached thereto, and any such Person who fails to have and keep such Scales and Weights, or who does not weigh such Coal previous to Delivery, shall be liable in respect thereof to a Penalty not exceeding Forty Shillings, or to Imprisonment for a Period not exceeding Fourteen Days, and in respect of any Second or subsequent Offence to a Penalty not exceeding Five Pounds, or to Imprisonment for a Period not exceeding Thirty Days.

Penalty on Driver refusing to weigh.

282. If any Driver or other Person having the Charge of any Cart shall not, upon being so required as aforesaid, take the same to any such Public Weighing Machine, or shall refuse to assist in the weighing of the same in such Manner as the Drivers of Carts are used and accustomed to do, such Driver or other Person shall for each Offence be liable to a Penalty not exceeding Forty Shillings.

Penalty on fraudulent weighing.

283. If the Keeper of any Weighing Machine used within the Burgh for the Purpose of ascertaining the Weight of Coals, or the Seller of any Coals which shall be weighed at such Weighing Machine, or any of their respective Servants, shall wilfully, on Application, refuse duly to weigh or reweigh any Cart, with or without Loading, or shall designedly do or omit to do anything with Intent that the true Weight or Measurement of any Coals weighed thereat shall not be ascertained, or if the Owner or Driver or other Person having the Charge of any Cart shall place or knowingly have any Article, Matter, or Thing in or about such Cart, other than the proper Load therein, or shall alter the Tare or Weight, or the Ticket denoting the Weight of any Cart or the Loading thereof, or shall make, use, or be Privy to the making or using, any false or fraudulent Ticket respecting the Weight of any such Cart or Loading, or if by reweighing or otherwise it shall be discovered that any Coals have been abstracted by such Owner, Driver, Person in charge, Keeper, or Servant, from such Cart, after it shall have passed the Steelyard or Weighing Machine where it was originally weighed, or if the Owner or Driver or Person in charge of any Cart, or the Keeper of any Machine as

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aforesaid, or his Servants, shall make or give or use, or be privy to the making or giving or using, any false or fraudulent Contrivance touching the Weight of any Cart or the Load therein, or shall knowingly assist in or connive at any Fraud in or concerning the Weight of any Cart or of the Load therein, or if any other Person shall knowingly aid or assist in the committing of any Fraud respecting the Weight of any Cart or the Load therein, weighed, or stated or represented to be weighed, at any such Machine as aforesaid, then and in every such Case every Person so offending shall for every Offence be liable to a Penalty not exceeding Five Pounds, or to be imprisoned for any Period not exceeding Thirty Days.

Regulations may be made for preventing Fraud in the Weight of Hay, Straw, &c.

284. In order to prevent Fraud in the Weight of Hay and Straw or other Commodities usually weighed in Carts, it shall be lawful for the Commissioners to make Regulations for ascertaining the Weight or Quantity of Hay or Straw or other Commodities brought within the Burgh, upon Parties voluntarily resorting to the said Weighing Machines for the Purpose, and for the Sheriff or Magistrate to punish Persons disobeying such Regulations, by seizing, forfeiting, and selling such Hay and Straw or other Commodities so brought in contravention of such Regulations, or by imposing on the Offender a Penalty to the Extent and in the Manner before prescribed in respect of Coals which have not been duly weighed, and also to fine all Persons driving Carts from which Hay or Straw or other Commodities shall have been fraudulently taken or embezzled, and all Persons accessory to such fraudulent taking or Embezzlement, in any Penalty not exceeding Five Pounds, or to sentence him to Imprisonment for any Period not exceeding Thirty Days.

Power to try Weight of Butter, &c. made up in Parcels, and to seize and confiscate if found deficient.

285. And for the Purpose of preventing Fraud in the Sale of Butter, Bread, and other Articles made up in Parcels or Quantities representing a Pound or Half Pound, or other larger or smaller specific Weight, it shall be lawful for the Superintendent of Police at any Time, or for any Police Constable having Orders or Instructions to that Effect from the Magistrates or any One of them, to try the Weight of such Parcels or Quantities of Butter, Bread, and other Articles brought within the Burgh for Sale, or sold or exposed or kept for Sale in any Shop or Market Place within the Burgh; and it shall be lawful for the Superintendent at any Time when he shall deem it necessary or proper, or for any Police Constable, on the Warrant of any of the Magistrates, to enter any Shop, Store, or other Premises within the Burgh in which such Parcels and Quantities of Butter, Bread, and other Articles are sold or exposed or kept for Sale, and to try the Weight of such Parcels or Quantities of Butter, Bread,

Bread, and other Articles as may be found therein; and if upon any such Trial or Examination any Parcel or Quantity shall be found light or deficient in Weight, it shall be lawful to seize the same, and to require the Person possessed thereof to appear before any of the Magistrates, or to attend at the Police Office, and in the event of Refusal, and such Person not being known as a Householder or Store or Shop Keeper within the said Limits, to convey such Person before the Magistrates or any of them, or to the Police Office, for Examination; and it shall be lawful for the Magistrates or any of them, on finding that any Parcel or Quantity of Butter, Bread, or other Article so seized is light or deficient, and was so at the Time of Seizure, to declare the same forfeited, and to send the same to any charitable Institution, and to fine the Person in whose Possession it has been found in a Sum not exceeding Forty Shillings for every Parcel or Quantity intended to represent a specific Weight found deficient.

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286. All Bakers and Dealers in Bread shall, on all Bread made or exposed by them for Sale (except Fancy Bread or Rolls), impress thereon, in large and distinct Figures, the Imperial Weight of such Bread; and any Person who shall expose or offer for Sale or sell any Bread not so impressed shall be liable in a Penalty not exceeding Forty Shillings for each Offence; and any Person who shall sell, or offer or expose for Sale, any Bread which shall be deficient or under the Weight so impressed, shall be liable in a Penalty not exceeding Forty Shillings for each Offence.

Penalty on committing Frauds in Weight of Bread.

287. And for the further Prevention of Fraud the Magistrates shall have and may exercise the Powers and Jurisdictions conferred upon any Justice or Justices of the Peace by the Act of the Twenty-second George the Second, Chapter Twenty-seven, intituled "An Act "for the more effectual preventing of Frauds and Abuses committed "by Persons employed in the Manufacture of Hats, and in the "Woollen, Linen, Fustian, Cotton, Iron, Leather, Fur, Hemp, "Flax, Mohair, and Silk Manufactures, and for preventing unlawful "Combinations of Journeymen Dyers and Journeymen Hotpressers, "and of Persons employed in the said several Manufactures, and "for the better Payment of their Wages;" and by the Act of the Seventeenth George the Third, Chapter Fifty-six, intituled "An Act "for amending and rendering more effectual the several Laws now "in being for the more effectual preventing of Frauds and Abuses "by Persons employed in the Manufacture of Hats, and in the "Woollen, Linen, Fustian, Cotton, Iron, Leather, Fur, Hemp, "Flax, Mohair, and Silk Manufactures, and also for making Provi-

CLAUSE I i. Magistrates to have Powers conferred upon Justices by 22 G. 2. c. 27, and 17 G. 3. c. 56.

PART V. General Police Regulations. Sect. 3.

"sions to prevent Frauds by Journeymen Dyers;" and the Provisions of the said Acts shall apply to Proceedings before the Magistrates and to Acts done by them in relation thereto, in the same Manner as to Proceedings before and Acts done by any Justice or Justices of the Peace; and upon an Oath or solemn Affirmation or Declaration being made before the Magistrates or any Justice or Justices of the Peace that there is Cause to suspect that any Material purchased or received by any Broker from any Person or Persons were purloined or embezzled, the Magistrates or any Justice or Justices of the Peace may grant Warrant for bringing the Person or Persons from whom the Broker purchased or received such Materials before him or them; and if such Persons or Person shall not give a satisfactory Account of how he, she, or they came by such Materials, such Person or Persons shall be deemed guilty of a Misdemeanor or Offence, and shall be punishable accordingly, in Terms of the said Two last-recited Acts, in the same Manner as if such Materials had been found in the Possession of such Person or Persons; and it shall be competent to the Magistrates or to any Two Justices of the Peace to sentence such Person or Persons to pay any Fine not exceeding the Amounts authorized by the said Acts, or alternatively to commit such Person or Persons to Prison for any Period not exceeding the Periods authorized by the said Acts; and it shall not be necessary before committing such Person or Persons to Prison to levy such Fines by Distress and Sale, or to use any legal Diligence for Recovery thereof.

Penalty for offering unwholesome Meat for Sale.

288. Every Person who sells or exposes for Sale, or keeps for the Purpose of Sale, any of the following Articles, shall be liable to a Penalty not exceeding Ten Pounds:—

Any Animal or Part of an Animal which died from Disease:

Any Animal or Part of an Animal, or any Fruit or Vegetable, which is unsound or unwholesome, or unfit for Human Food:

Any blown, stuffed, or pricked Veal, Lamb, or other Meat.

Penalty for offering adulterated Provisions for Sale.

289. Every Person who knowingly sells or exposes for Sale, or keeps for the Purpose of Sale, any adulterated Butter, Meal, Bread, or other Article of Food, shall be liable to a Penalty not exceeding Five Pounds.

Penalty for Want of Cleanliness in Meat and Provision Shops.

290. Every Occupier of any Premises used for the Sale of Butcher Meat, Poultry, Game, Fish, Butter, Meal, Bread, or any other Article of Food, who does not keep the same clean and in good Condition, to the Satisfaction of the Superintendent of Police or other Person appointed

appointed by the Commissioners for that Purpose, shall be liable to a Penalty not exceeding Twenty Shillings.

291. It shall be lawful for such Superintendent or other Person appointed by the Commissioners for the Purpose to seize, impound, and convey to the Police Office any Animal, or Part of an Animal, or any Fruit or Vegetable, or any Meat or Beef, or any Article of Food, sold or exposed for Sale, or kept in any Place used for the Sale of such Article, in respect of which there is reasonable Ground for supposing that a Penalty has been incurred under any of the Provisions herein-before contained or Byelaws or Regulations herein-before authorized; and if such Penalty is imposed, it shall be lawful for the Magistrate to declare such Article forfeited.

Superintendent may impound unwholesome Meat or adulterated Provisions.

292. It shall be lawful for the Magistrate, on a Complaint by the Superintendent of Police, to grant Warrant to enter any Building or Part of a Building or other Place in which there is reasonable Ground for believing that any Animal or Part of an Animal which died of Disease, or any Animal or Part of an Animal or any Fruit or Vegetable which is unsound or unwholesome or unfit for Human Food, or any adulterated Butter, Meal, Bread, or other Article of Food is kept or concealed with a view to Sale, although such Building or Part of a Building or other Place may not be ordinarily used for the Purpose of selling the same, and to search for, impound, and convey to the Police Office any such Animal or Part of an Animal, Fruit, Vegetable, or Article of Food.

Clause K k. Warrant may be granted by the Magistrate to search suspected Places for Animals which have died of disease, &c.

293. Every Person who is found in possession of any Animal or Part of an Animal which died of Disease, or of any Animal or part of an Animal or any Fruit or Vegetable which is unsound or unwholesome or unfit for human Food, or of any adulterated Article of Food, on the Execution of a Warrant by the Magistrate, shall be presumed to have kept or concealed the same knowingly with a view to Sale until the contrary be shown, and shall be liable in respect thereof to a Penalty not exceeding Ten Pounds; and it shall be lawful for the Magistrate, whether he imposes such Penalty or not, to declare such Animal or part of an Animal, Fruit, Vegetable, or Article of Food to be forfeited.

Clause L l. Penalty on Persons found in possession of such Animals, &c.

PART V.

Section IV.—*Hackney Carriages, Sedan Chairs, Carters, and Porters.*

Hackney Carriages, Sedan Chairs, &c.

294. The Magistrates may from Time to Time license to ply for Hire within Five Miles from the principal Post Office of the Burgh such

Hackney Carriages to be licensed.

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such Number of Hackney Coaches or Carriages, of any Kind or Description, adapted to the Carriage of Persons, as they shall think fit.

What to be Hackney Carriages.

295. Every wheeled Carriage, whatever may be its Form or Construction, used in standing or plying for Hire in any Street within such prescribed Distance, and every Carriage standing upon any Street, public or private, within such prescribed Distance, having thereon any numbered Plate required by this Act to be fixed upon a Hackney Carriage, or having thereon any Plate resembling or intended to resemble any such Plate as aforesaid, shall be deemed to be a Hackney Carriage within the Meaning of the Act; and in all Proceedings at Law or otherwise the Term "Hackney Carriage" shall be sufficient to describe any such Carriage: Provided always, that no Stage Coach used for the Purpose of standing or plying for Passengers to be carried for Hire at separate Fares, and duly licensed for that Purpose, and having thereon the proper numbered Plates required by Law to be placed on such Stage Coaches, shall be deemed to be a Hackney Carriage within the Meaning of this Act.

Fees to be paid for Licences.

296. For every such Licence there shall be paid to the Clerk or other Person appointed by them to receive the same such Sum as the Magistrates direct, not exceeding Five Shillings.

Persons applying for Licence to sign a Requisition for same.

297. Before any such Licence is granted, a Requisition for the same, in such Form as the Magistrates may from Time to Time provide for that Purpose, shall be made and signed by the Proprietor or One of the Proprietors of the Hackney Carriage in respect of which such Licence is applied for, and in every such Requisition shall be truly stated the Name and Surname and Place of Abode of the Person applying for such Licence, and of every Proprietor or part Proprietor of such Carriage, or Person concerned, either solely or in Partnership with any other Person, in the keeping, employing, or letting to Hire of such Carriage; and any Person who, on applying for such Licence, states in such Requisition the Name of any Person who is not a Proprietor or part Proprietor of such Carriage, or who is not concerned as aforesaid in the keeping, employing, or letting to Hire of such Carriage, and also any Person who wilfully omits to specify truly in such Requisition as aforesaid the Name of any Person who is a Proprietor or part Proprietor of such Carriage, or who is concerned as aforesaid in the keeping, employing, or letting to Hire of such Carriage, shall be liable to a Penalty not exceeding Ten Pounds.

298. In

298. In every such Licence shall be specified the Name and Surname and Place of Abode of every Person who is a Proprietor or part Proprietor of the Hackney Carriage in respect of which such Licence is granted, or who is concerned, either solely or in Partner-
5 ship with any other Person, in the keeping, employing, or letting to Hire of any such Carriage, and also the Number of such Licence, which shall correspond with the Number to be painted or marked on the Plates to be fixed on such Carriage, together with such other Particulars as the Magistrates think fit.

What shall be specified in the Licence.

10 **299.** Every Licence shall be made out by the Clerk of the Magistrates, and duly entered in a Book to be provided by him for that Purpose, and in such Book shall be contained Columns or Places for Entries to be made of every Offence committed by any Proprietor or Driver or Person attending such Carriage, and any
15 Person may at any reasonable Time inspect such Book without Fee or Reward.

Licences to be registered.

300. Every Licence so to be granted shall be signed by Two or more of the Magistrates, and shall not include more than One Carriage so licensed, and shall be in force for One Year only from the Day of
20 the Date of such Licence, or until the next General Licensing Meeting, in case any General Licensing Day be appointed by the Magistrates.

Licences to be in force for One Year only.

301. So often as any Person named in any such Licence as the Proprietor or One of the Proprietors, or as being concerned, either
25 solely or in Partnership with any Person, in the keeping, employing, or letting to Hire of any such Carriage, changes his Place of Abode, he shall, within Seven Days next after such Change, give Notice thereof in Writing, signed by him, to the Magistrates, specifying in such Notice his new Place of Abode, and he shall at the same Time
30 produce such Licence at the Office of the Magistrates, who shall, by their Clerk or some other Officer, endorse thereon and sign a Memorandum specifying the Particulars of such Change; and any Person named in any such Licence as aforesaid as the Proprietor or One of the Proprietors of any Hackney Carriage, or as being concerned as
35 aforesaid, who changes his Place of Abode, and neglects or wilfully omits to give Notice of such Change, or to produce such Licence, in order that such Memorandum as aforesaid may be endorsed thereon, within the Time and in the Manner limited and directed by this Act, shall be liable to a Penalty not exceeding Forty Shillings.

Notice to be given by Proprietors of Hackney Carriages of any Change of Abode.

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Penalty for plying for Hire without a Licence.

302. If the Proprietor or part Proprietor of any Carriage, or any Person so concerned as aforesaid, permits the same to be used as a Hackney Carriage plying for Hire within such prescribed Distance without having obtained a Licence as aforesaid for such Carriage, or during the Time that such Licence is suspended, as herein-after provided, or if any Person be found driving, standing, or plying for Hire with any Carriage within such prescribed Distance, for which such Licence as aforesaid has not been previously obtained, or without having the Number of such Carriage corresponding with the Number of the Licence openly displayed on such Carriage, every such Person so offending shall for every such Offence be liable to a Penalty not exceeding Forty Shillings.

Drivers not to act without first obtaining a Licence.

303. No Person shall act as Driver of any Hackney Carriage, licensed in pursuance of this Act to ply for Hire within such prescribed Distance, without first obtaining a Licence from the Magistrates, which Licence shall be registered by the Clerk to the Magistrates, and a Fee of One Shilling shall be paid for the same; and every such Licence shall be in force until the same is revoked, except during the Time that the same may be suspended, as after mentioned.

Penalty on Drivers acting without Licence.

304. If any Person acts as such Driver as aforesaid without having obtained such Licence, or during the Time that his Licence is suspended, or if he lend or part with his Licence, except to the Proprietor of the Hackney Carriage, or if the Proprietor of any Hackney Carriage employ any Person as the Driver thereof who has not obtained such Licence, or during the Time that his Licence is suspended, as herein-after provided, every such Driver and every such Proprietor shall for every such Offence respectively be liable to a Penalty not exceeding Twenty Shillings.

Proprietor to retain Licence of Drivers when in his Employ, and to produce the same when summoned.

Magistrates may endorse Convictions upon Licence.

305. In every Case in which the Proprietor of any Hackney Carriage permits or employs any licensed Person to act as the Driver thereof, such Proprietor shall cause to be delivered to him, and shall retain in his Possession, the Licence of such Driver while such Driver remains in his Employ; and in all Cases of Complaint, where the Proprietor of a Hackney Carriage is summoned to attend before a Magistrate, or to produce the Driver, the Proprietor so summoned shall also produce the Licence of such Driver, if he be then in his Employ; and if any Driver complained of be judged guilty of the Offence alleged against him, such Magistrate shall make an Endorsement upon the Licence of such Driver, stating the Nature of the Offence

Offence and the Amount of the Penalty inflicted; and if any such Proprietor neglect to have delivered to him and to retain in his Possession the Licence of any Driver while such Driver remains in his Employ, or if he refuse or neglect to produce such Licence as aforesaid, such Proprietor shall for every such Offence be liable to a Penalty not exceeding Forty Shillings.

Penalty on Proprietors for Neglect.

306. When any Driver leaves the Service of the Proprietor by whom he is employed without having been guilty of any Misconduct, such Proprietor shall forthwith return to such Driver the Licence belonging to him; but if such Driver have been guilty of any Misconduct, the Proprietor shall not return his Licence, but shall give him Notice of the Complaint which he intends to prefer against him, and shall forthwith summon such Driver to appear before a Magistrate to answer the said Complaint; and such Magistrate, having the necessary Parties before him, shall inquire into and determine the Matter of Complaint; and if upon Inquiry it appear that the Licence of such Driver has been improperly withheld, such Magistrate shall direct the immediate Re-delivery of such Licence, and award such Sum of Money as he thinks proper to be paid by such Proprietor to such Driver by way of Compensation.

Proprietor to return Licence to Drivers when quitting his Service if they behave well, if otherwise Proprietor to summon them.

Compensation in case of Licence being improperly withheld.

307. The Magistrates may, upon the Conviction for the Second Time of the Proprietor or Driver of any Hackney Carriage for any Offence under the Provisions of this Act with respect to Hackney Carriages, or any Byelaw made in pursuance thereof, suspend or revoke, as they deem right, the Licence of any such Proprietor or Driver.

Licences to be suspended or revoked for Misconduct.

308. No Hackney Carriage shall be used or employed, or let to Hire, or shall stand or ply for Hire, within such prescribed Distance, unless the Number of Persons to be carried by such Hackney Carriage, in Words at Length, and in the Form following, (that is to say,) "to carry Persons," be painted on a Plate placed on some conspicuous Place on the Outside of such Carriage, and in legible Letters, so as to be clearly distinguishable from the Colour of the Ground whereon the same are painted, One Inch in Length, and of a proportionate Breadth; and the Driver of any Hackney Carriage shall not be entitled to carry in or by such Hackney Carriage a greater Number of Persons than the Number painted thereon.

Number of Persons to be carried in a Hackney Carriage to be painted thereon.

309. If the Proprietor of any Hackney Carriage permit the same to be used, employed, or let to Hire, or if any Person stand or ply for Hire with such Carriage, without having the Number of Persons to be carried thereby painted and exhibited in manner aforesaid, or if the

Penalty for Neglect or for Refusal to carry the prescribed Number.

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the Driver of any Hackney Carriage, or of any Stage Coach or Omnibus, shall carry a greater Number of Persons in or by such Hackney Carriage, Stage Coach, or Omnibus than the Number of Persons painted thereon, or shall refuse, when required by the Hirer thereof, to carry in or by such Hackney Carriage the Number of Persons painted thereon, or any less Number, every Proprietor or Driver so offending shall be liable to a Penalty not exceeding Forty Shillings.

Penalty on Driver for refusing to drive.

310. Any Driver of a Hackney Carriage standing at any of the Stands for Hackney Carriages appointed by the Magistrates, or in any Street, public or private, who refuses or neglects, without reasonable Excuse, to drive such Carriage to any Place within such prescribed Distance, or any Distance to be appointed by any Byelaw of the Magistrates, not exceeding such prescribed Distance, to which he is directed to drive by the Person hiring or wishing to hire such Carriage, shall for every such Offence be liable to a Penalty not exceeding Forty Shillings.

Penalty for demanding more than the Sum agreed for, though less than the legal Fare.

311. If the Proprietor or Driver of any Hackney Carriage, or if any other Person on his Behalf, agree beforehand with any Person hiring such Hackney Carriage to take for any Job a Sum less than the Fare allowed by this Act, or any Byelaw made thereunder, such Proprietor or Driver shall be liable to a Penalty not exceeding Forty Shillings if he exact or demand for such Job more than the Fare so agreed upon.

Agreement to pay more than the legal Fare not to be binding, and Sum paid beyond the proper Fare may be recovered back.

312. No Agreement whatever made with the Driver, or with any Person having or pretending to have the Care of any Hackney Carriage, for the Payment of more than the Fare allowed by any Byelaw made under this Act, shall be binding on the Person making the same, and any such Person may, notwithstanding such Agreement, refuse, on discharging such Hackney Carriage, to pay any Sum beyond the Fare allowed as aforesaid; and if any Person actually pay to the Driver of any Hackney Carriage, whether in pursuance of any such Agreement or otherwise, any Sum exceeding the Fare to which such Driver was entitled, the Person paying the same shall be entitled, on Complaint made against such Driver before a Magistrate, to recover back the Sum paid beyond the proper Fare, and, moreover, such Driver shall be liable to a Penalty for such Exaction not exceeding the Sum of Forty Shillings; and in default of the Repayment by such Driver of such Excess of Fare, or of Payment of the said Penalty, the Magistrate shall forthwith commit such Driver to Prison, there to remain for any Time not exceeding One Month, unless the said Excess of Fare and the said Penalty be sooner paid.

313. If

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Driver to carry, under an Agreement for a discretionary Distance, the Distance to which Hirer is entitled for the Fare.

313. If the Proprietor or Driver of any Hackney Carriage, or if any other Person on his Behalf, agree with any Person to carry in or by such Hackney Carriage Persons not exceeding in Number the Number so painted on such Carriage as aforesaid, for a Distance to be in the Discretion of such Proprietor or Driver, and for a Sum agreed upon, such Proprietor or Driver shall be liable to a Penalty not exceeding Forty Shillings if the Distance which he carries such Persons be under that to which they were entitled to be carried for the Sum so agreed upon, according to the Fare allowed by any Bye-law made under this Act.

Overcharge by Hackney Coachmen, &c. to be included in Conviction, and returned to aggrieved Party.

314. Every Proprietor or Driver of any Hackney Carriage who is convicted of taking as a Fare a greater Sum than is authorized by any Byelaw made under this Act shall be liable to a Penalty not exceeding Forty Shillings; and on the Conviction of such Proprietor or Driver an Order may be included for Payment of the Sum so overcharged, over and above the Penalty and Costs, and such Overcharge shall be returned to the Party aggrieved, whose Evidence shall be admissible in proof of such Offence.

Penalty for permitting Persons to ride without Consent of the Hirer.

315. Any Proprietor or Driver of any Hackney Carriage which is hired who permits or suffers any Person to be carried in or upon or about such Hackney Carriage during such Hire, without the express Consent of the Person hiring the same, shall be liable to a Penalty not exceeding Twenty Shillings.

No Person to act as Driver of any Carriage without the Consent of the Proprietor.

316. No Person authorized by the Proprietor of any Hackney Carriage to act as Driver of such Carriage shall suffer any other Person to act as Driver of such Carriage without the Consent of the Proprietor thereof, and no Person, whether licensed or not, shall act as Driver of any such Carriage without the Consent of the Proprietor; and any Person so suffering another Person to act as Driver, and any Person so acting as Driver, without such Consent as aforesaid, shall be liable to a Penalty not exceeding Forty Shillings for every such Offence.

Penalty on Drivers misbehaving.

317. If the Driver or any other Person having or pretending to have the Care of any Hackney Carriage be intoxicated while driving, or if any such Driver or other Person, by wanton and furious driving, or by any other wilful Misconduct, injure or endanger any Person in his Life, Limbs, or Property, he shall be liable to a Penalty not exceeding Five Pounds, and in default of Payment thereof the

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Magistrate before whom he is convicted of such Offence may commit him to Prison, there to remain for any Time not exceeding Two Months.

Penalty for leaving Carriages unattended at Places of public Resort.

318. If the Driver of any Hackney Carriage leave it in any Street or at any Place of public Resort or Entertainment, whether it be hired or not, without some one proper to take care of it, any Constable may drive away such Hackney Carriage, and deposit it, and the Horse or Horses harnessed thereto, at some neighbouring Livery Stable or other Place of safe Custody; and such Driver shall be liable to a Penalty not exceeding Twenty Shillings for such Offence; and in default of Payment of the said Penalty, upon Conviction, and of the Expenses of taking and keeping the said Hackney Carriage and Horse or Horses, the same, together with the Harness belonging thereto, or any of them, shall be sold by Order of the Magistrates before whom such Conviction is made; and after deducting from the Produce of such Sale the Amount of the said Penalty, and of all Costs and Expenses, as well of the Proceedings before such Magistrate as of the taking, keeping, and Sale of such Hackney Carriage, and of such Horse or Horses and Harness, the Surplus (if any) of the said Produce shall be paid to the Proprietor of such Hackney Carriage.

Damage done by Driver may be recovered from the Proprietor.

319. In every Case in which any Hurt or Damage has been caused to any Person or Property as aforesaid by the Driver of any Carriage let to Hire, the Magistrate before whom such Driver has been convicted may direct that the Proprietor of such Carriage shall pay such Sum, not exceeding Five Pounds, as appears to such Magistrate a reasonable Compensation for such Hurt or Damage; and every Proprietor who pays any such Compensation as aforesaid may recover the same from the Driver; and such Compensation shall be recoverable from such Proprietor, and by him from such Driver, as Damages.

Improperly standing with Carriage, refusing to give way to or obstructing any other Driver, or depriving him of his Fare.

320. Any Driver of any Hackney Carriage who suffers the same to stand for Hire across any Street or alongside of any other Hackney Carriage, or who refuses to give way, if he conveniently can, to any other Carriage, or who obstructs or hinders the Driver of any other Carriage in taking up or or setting down any Person into or from such other Carriage, or who wrongfully in a forcible Manner prevents or endeavours to prevent the Driver of any other Hackney Carriage from being hired, shall be liable to a Penalty not exceeding Twenty Shillings.

321. If

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321. If the Driver of any Hackney Carriage be summoned or brought before any Magistrate to answer any Complaint made on Information given by any private Person touching or concerning any Offence alleged to have been committed by such Driver against the Provisions of any Byelaw made under this Act, and such Complaint or Information be afterwards dismissed, or if such Driver be acquitted of the Offence charged against him, such Magistrate, if he think fit, may order the Informer to pay to such Driver such Compensation for his Loss of Time in attending such Magistrate touching or concerning such Complaint or Information as to such Magistrate seems reasonable; and in default of Payment of such Compensation such Magistrate may commit such Informer to Prison for any Time not exceeding One Month, unless the same shall be sooner paid.

Compensation may be awarded to Drivers for Loss of Time in attending to answer Complaints not substantiated.

322. If any Person refuse to pay, on Demand, to any Proprietor or Driver of any Hackney Carriage, the Fare allowed by any Byelaw made under this Act, such Fare may, together with Costs, be recovered before any Magistrate as a Penalty.

Penalty for refusing to pay the Fare.

323. Any Person using any Hackney Carriage plying under a Licence granted by virtue of this Act, who wilfully injures the same, shall for every such Offence be liable to a Penalty not exceeding Five Pounds, and shall also pay to the Proprietor of such Hackney Carriage reasonable Satisfaction for the Damage sustained by the same; and such Satisfaction shall be ascertained by the Magistrate before whom the Conviction takes place, and shall be recovered by the same Means as the Penalty.

Penalty for damaging Carriage.

324. The Magistrates may from Time to Time (subject to the Restrictions of this Act) make Byelaws for all or any of the Purposes following; that is to say,

Magistrates may make Byelaws for regulating Hackney Carriages.

For regulating the Conduct of the Proprietors and Drivers of Hackney Carriages plying within such prescribed Distance in their several Employments, and determining whether such Drivers shall wear any and what Badges, and for regulating the Hours within which they may exercise their Calling:

For regulating the Manner in which the Number of each Carriage, corresponding with the Number of its Licence, shall be displayed:

For regulating the Number of Persons to be carried by Hackney Carriages, and in what Manner such Number is to be shown on such Carriage, and what Number of Horses or other Animals is to draw the same, and the placing of Check Strings to the Carriages, and the holding of the same by the Driver, and how Hackney Carriages are to be furnished or provided:

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For fixing the Stands of Hackney Carriages, and the Distance to which they may be compelled to take Passengers, not exceeding such prescribed Distance:

For fixing the Rates or Fares, as well for Time as Distance, to be paid for Hackney Carriages within such prescribed Distance, and for securing the due Publication of such Fares:

For securing the safe Custody and Re-delivery of any Property accidentally left in Hackney Carriages, and fixing the Charges to be made in respect thereof.

CLAUSE Mm. Regulations as to Omnibuses or Carriages plying within Burgh.

325. The Magistrates shall be empowered and they are hereby authorized to prevent within the Limits of their Jurisdiction the plying or running of Omnibuses or other Carriages for the Conveyance of Passengers which shall be in a State of Dis-repair or Insecurity, or not adapted in all other respects for the Conveyance of Passengers with Safety and Comfort, or drawn by Horses not sufficiently strong or in good Condition, or not sufficiently trained or broken-in, and that by imposing Penalties not exceeding for each Offence Five Pounds on the Owners or Contractors or Drivers of such Omnibuses or other Carriages which shall, on the Complaint of the Superintendent of Police, be found by the Magistrate before whom the same may be brought to be in an unsafe or unfit State for the Conveyance of Passengers, or not drawn as aforesaid; and the Magistrates are further empowered to make Byelaws for regulating the Number of Passengers to be carried by and Times of running of such Omnibuses or other Carriages, the Places at which the same shall stand, the Times at which the same shall start, and all other Matters tending to promote Regularity and public Convenience, and to enforce the same against the Proprietors or Conductors or Drivers of such Omnibuses and other Carriages, upon the Complaint of the Superintendent of Police or other Person appointed by the Commissioners, in like Manner and under a like Penalty.

For licensing Sedan Chairs, Carts, and Porters.

326. It shall be lawful for the Magistrates from Time to Time to make such Rules, Regulations, and Byelaws as they may think fit for licensing Sedan Chairs, Carts, Carters, and Porters plying for Hire within the Burgh, for trying, judging, and punishing the Misbehaviour of such Chairmen, Carters, and Porters, for fixing and altering their Stands, and for ascertaining what Rates and Fares they shall be allowed to take, and to what Distances and under what Penalties they shall come in and through the Burgh, and also to make such Rules, Regulations, and Byelaws as they may think fit for licensing Chimney Sweepers, and for fixing their Charges, and from Time to Time rescind, alter, or amend the Rules, Regulations, and Byelaws so to be made by them, and shall set down what Penalties shall

shall be incurred by Persons breaking or evading the same or any of them, not exceeding the Sum of Forty Shillings for any One Offence.

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PART V.

SECTION V.—*Brokers and Pawnbrokers.*

Brokers and Pawnbrokers.

Brokers to be licensed.

327. From and after the Adoption of this Act, no Person shall within the Burgh exercise or carry on the Trade or Business of a Broker, unless he shall have first obtained a Licence so to do from the Magistrates, which Licence such Magistrates shall have a discretionary Power of granting or refusing, as they shall see Cause, and which, when granted, shall continue in force until the Term of Whitsunday in each Year and no longer, unless sooner revoked or suspended, which the Magistrates are hereby authorized to do, on legal Conviction of any Violation of any of the Conditions of such Licence or of the Provisions of this Act; and every Person applying for such Licence or a Renewal thereof shall pay to the Clerk a Sum not exceeding Two Shillings and Sixpence, as the Expense attending such Application, and of recording the same, and the Deliverance of the Magistrates thereon, and of such Licence or Renewal, if granted, in a Book to be kept by him for that Purpose; and if any Person shall within the Burgh exercise or carry on the Trade or Business of a Broker without having first obtained such Licence as aforesaid, or after the Revocation or during the Suspension thereof, or shall contravene the Terms of such Licence or any of the Provisions of this Act, such Person shall for each such Offence be liable to a Penalty not exceeding Five Pounds: Provided always, that it shall not be lawful for the Magistrates to grant any such Broker's Licence to any licensed Pawnbroker carrying on Business as such; but nothing in this Provision shall be held to apply to the Sale of Goods bonâ fide forfeited in accordance with the Pawnbrokers Act.

Brokers to furnish a Description of their Premises, and keep Books.

328. Every Person who shall apply to be licensed as a Broker shall, at the Time of his Application, and at Whitsunday yearly thereafter, furnish to the Clerk in Writing a Description of his Premises, including all Cellars, Closets, and other Places proposed to be used by him in the Course of his Trade; and all Brokers shall enter in Books to be kept by them the Particulars of each Transaction in their Business, which Particulars should contain a proper and distinctive Description of each Article purchased or received by them, the Name and Place of Abode of the Person from whom they have purchased or received the same, and the Date and Hour of the Day of each such Transaction, and the Price paid or agreed to be paid for such Articles; and if any such Broker shall fail to keep such Book, or to enter

Penalty on failing to make proper Entries.

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enter therein the Particulars before mentioned, he shall for each Offence be liable to a Penalty not exceeding Five Pounds.

Brokers to retain Articles for Seven Days after having received them.

Penalty for Neglect.

329. All Articles purchased or received by such Brokers shall be kept by them in their Shops or other Places where their ordinary Business is carried on for the full Period of Seven Days from and after the Date on which it shall appear from their Books that such Articles have been purchased or received; and every Broker who shall sell or otherwise dispose of or remove from his Premises as aforesaid any such Articles, before the Expiry of such Period of Seven Days, or shall fail at any Time in the course of that Period to produce such Articles to the Superintendent of Police, or to any Constable acting under him, when required so to do, shall for each Offence, upon Conviction before a Magistrate, be liable to a Penalty not exceeding Five Pounds.

Brokers to produce Articles on Demand.

330. Every Broker shall, at all reasonable Times, exhibit and produce, on Demand, to the Superintendent of Police, or to any Constable acting under him, all Articles in his Possession, or which he may have received or purchased, and shall also produce his Books in which the Description of any such Articles is or should have been entered, when required, in the Police Court, or to the Superintendent of Police, or any Constable acting under him, and having the Authority of the Sheriff or a Magistrate, in which Book the Constable requiring and obtaining Production thereof shall on every Occasion subscribe his Name immediately following the last Entry therein; and as often as it shall be found that any Goods or Articles which have been stolen, embezzled, or fraudulently obtained shall be in the Possession of any Broker, he is hereby required, on being informed by the Superintendent of Police or other Constable authorized as aforesaid that such Goods or Articles were stolen, embezzled, or fraudulently obtained, to deposit the same with the Superintendent of Police, in order that they may be produced in such Manner as may be necessary for the Ends of Justice, or upon Proof of Ownership, to the Satisfaction of the Judge, restored to the proper Owner thereof; and every Broker who shall refuse to produce and show the Goods or Articles in his Possession, or the Books in which the same ought or should have been described, on being required so to do, or who shall refuse to allow the Superintendent of Police or Constable requiring the same to subscribe his Name, or who shall not deposit any such Goods or Articles stolen, embezzled, or fraudulently obtained as aforesaid, shall, upon Conviction before a Magistrate, for every such Offence be liable to a Penalty not exceeding Five Pounds, without Prejudice to such Broker being also proceeded against as a Receiver or Resetter of stolen Goods, according to Law.

331. Every

Pawnbroker to produce his Book, on Demand.

331. Every Pawnbroker shall at all Times during his Hours of Business produce, on Demand, to the Superintendent of Police, or to any Constable acting under him, his Books in which the Articles received by him in Pledge are entered, and shall exhibit to such Superintendent of Police or Constable all Goods regarding which Information shall have been given tending to show or to render probable that the same have been stolen, embezzled, or fraudulently taken, and, if required, shall deposit the same with the Superintendent of Police, for the Ends of Public Justice, on receiving a Receipt for such Goods; and any Pawnbroker who shall refuse to produce his Books, or to exhibit, and, if required, to deposit any Goods as aforesaid, shall for every Offence be liable to a Penalty not exceeding Five Pounds.

Brokers, &c. to report stolen Goods, under a Penalty for Neglect.

332. If any Goods or Articles regarding which written or printed Information shall be given by any Constable to any Pawnbroker or Broker as having been stolen, embezzled, or fraudulently obtained, shall then be or thereafter come into the Possession of such Pawnbroker or Broker, such Pawnbroker or Broker shall, without unnecessary Delay, give Information at the Police Office that certain Goods or Articles answering the Description of the said Goods or Articles were offered to him or are in his Possession, and shall also state the Name and Address given by the Party by whom the same were offered or from whom the same were received, under a Penalty not exceeding Five Pounds for each and every such Neglect or Offence: Provided always, that in the Case of Wearing Apparel or other Articles which it may be difficult for such Pawnbroker or Broker to trace out and identify, no Fine shall be exigible in respect of not reporting such Articles, unless it shall appear to the Magistrate that such Articles had been knowingly concealed by such Pawnbroker or Broker.

If stolen Articles be altered or defaced by Broker, he shall be held to be Receiver of stolen Goods.

333. If any Broker shall, after receiving Information of the Theft, or the embezzling or the fraudulent Disposal of any Metals, Goods, or Articles, of whatsoever Description, melt, alter, deface, or put away the same, or shall cause the same to be melted, altered, defaced, or put away, without having previously received the Permission of the Magistrate, and if it shall be found that such Metals, Goods, or Articles were stolen, embezzled, or fraudulently disposed of by the Person from whom such Broker received the same, or by any other Person, then and in such Case it shall be held that such Broker knew that such Metals, Goods, or Articles were stolen, embezzled, or fraudulently disposed of, and such Broker shall be proceeded against according to Law as a Receiver of stolen Goods, or as being a Party to the Fraud, and punished accordingly; and no other Evidence of his Guilt shall be necessary than Evidence of such melting, altering, defacing, or putting away, after receiving Information as aforesaid.

 334. It

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Brokers not to carry on Business of Publicans, not to purchase Tickets of Pawnbrokers.

334. It shall not be lawful for any Broker or any Pawnbroker to carry on Business as a Publican or Retailer of exciseable Liquors, nor for any Broker to purchase, receive, or take the Note or Ticket of any Pawnbroker for any Goods or Articles which have been pawned, or to contract or negotiate in any Manner with the Holder of any such Note or Ticket, or any Person in his Behalf, for the Purchase of Goods or Articles specified therein; and if any Broker shall offend herein, either by himself or his Servant, or any other Person having the Charge of his Premises, and for whom in such Case he shall be held responsible, such Broker shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Pawnbrokers not to act as Brokers, and Brokers not to take Articles in Pledge.

335. If any Pawnbroker shall act as a Broker, except in the Sale of Articles bonâ fide forfeited in accordance with the Provisions of the Pawnbrokers Act, or if any Broker shall receive or take any Goods or Articles in Pledge, such Pawnbroker or Broker shall, upon Conviction thereof by the Oath of One or more credible Witness or Witnesses, for every such Offence be liable to a Penalty not exceeding Five Pounds.

Pawnbroker and Broker not to carry on Business in the same Premises.

336. It shall not be lawful for a Pawnbroker and Broker to carry on their respective Trades within the same Premises, or in separate Premises having a Communication with each other; and every Pawnbroker or Broker who shall offend herein shall for every such Offence be liable to a Penalty not exceeding Five Pounds, which Penalty shall be in addition to any Penalty now payable for the like Offence under any Act or Acts now in force.

Penalty on Brokers transacting Business with Persons under 14 Years of Age.

337. It shall not be lawful for any Broker at any Time to sell to or purchase from any Person who shall apparently be under Fourteen Years of Age; and if any Broker shall offend herein, either by himself or his Servant or any other Person having the Charge of his Premises, and for whom in such Case he shall be held responsible, such Broker shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Penalty on Brokers transacting Business between certain Hours.

338. It shall not be lawful for any Broker to sell to or purchase from or have any Business Transaction whatsoever with any Person between the Hours of Ten o'Clock of each Saturday Night and Nine o'Clock in the Morning of the following Monday, or between Ten o'Clock in any other Night and Eight o'Clock on the following Morning; and if any Broker shall offend herein, either by himself or his Servant or any other Person having the Charge of his Premises, and for whom in such Case he shall be held responsible, such Broker shall, on being convicted thereof by the Oath of One or more credible Witness or Witnesses, for every such Offence be liable to a Penalty not exceeding Five Pounds.

339. Any

PART V. General Police Regulations. Sect. 5.

Penalty on Pawnbrokers, &c. purchasing Tickets issued by Charitable Institutions.

339. Any Pawnbroker or Broker who shall, either by himself or his Servant or by any other Person having the Charge of his Premises or Business, and for whom in such Case he shall be held responsible, and any other Person who shall purchase, receive, or take any Note or Ticket issued by Authority of any Parochial Board or Charitable Institution, or any Article of Clothing issued by Authority of any Parochial Board or Charitable Institution, and legibly marked, or as known by him to be so issued, shall for each such Offence be liable to a Penalty not exceeding Five Pounds, without Prejudice to such Pawnbroker, Broker, or other Person being proceeded against according to Law as a Resetter of stolen Goods.

CLAUSE Nn. Pawnbrokers not to keep Smelting Pots.

340. Every Pawnbroker or Broker who shall keep or suffer to be in his Premises any Smelting Pot or Implement for melting, altering, or defacing Gold, Silver, Lead, or other Metals, shall for every such Offence be liable to a Penalty not exceeding Five Pounds, and such Smelting Pot or Implement shall be forfeited.

Brokers to have their Names painted over Shop Doors.

341. Every Person licensed as a Broker shall have his Name with the Words "Licensed Broker" painted over the Door or principal Entrance of his Premises, in large Characters, either Black upon a White Ground, or White upon a Black Ground, and shall from Time to Time replace the same when removed, obliterated, or defaced, under a Penalty not exceeding Twenty Shillings.

Broker may detain suspected Persons offering Goods for Pledge or Sale.

342. It shall be lawful for any Pawnbroker or other Broker or Dealer, or any other Person to whom any Goods or Articles which shall be reasonably suspected to be stolen or illegally obtained shall be offered to be pawned, sold, or delivered, and he is hereby required to detain the Person offering the same, and for any Officer or Constable thereon to take such Person into Custody, for the Purpose of being examined by a Magistrate, who may, on Examination, immediately discharge such Person, or may, if he shall see any Ground for believing that the Goods or Articles have been stolen or illegally obtained, remand such Person to the Police Office, or commit him to Prison for a Period not exceeding Three lawful Days, for further Examination, or till Bail be given for his Appearance within the said Term for further Examination, and if on further Examination the Magistrate shall be satisfied that the Goods or Articles were stolen or otherwise illegally obtained, he may commit the Person charged to Prison, to be dealt with according to Law: Provided always, that the Superintendent or other Person on Duty at the Police Office or Watch-house to which such Person so offering such Goods or Articles may be taken shall, without Delay, inquire as to the Circumstances attending the Possession of such Goods or Articles, in order to his deter-

PART V. General Police Regulations. Sect. 6.

determining, in the Absence of the Magistrate or Procurator Fiscal, whether the Party shall be immediately discharged or liberated on Bail, in manner herein provided; and further, provided that any Pawnbroker, Broker, or Dealer, or any other Person who shall detain any Person under this Provision, shall be freed from Responsibility, unless Malice be averred and proved.

PART V.

SECTION VI.—*Articles found or stolen or fraudulently obtained.*

Goods or Money found to be reported at Police Office and Penalty if appropriated by Party finding.

343. All Goods, Parcels, Bank Notes, or Money, or other Articles found within the Burgh, and for which at the Time the same are found no Owner may be known, shall be reported at the Police Office by the Person finding the same, who shall also cause an Advertisement to be inserted in any One or more Newspapers in general Circulation in the Burgh; and if any Person who shall find such Goods, Parcels, Bank Notes, Money, or Articles as aforesaid, shall take possession thereof, and shall fail to report the same as aforesaid within Forty-eight Hours after such Possession, he shall be deemed guilty of an Offence, and be liable to a Penalty not exceeding Five Pounds; and if any Person who shall find such Goods, Articles, Parcels, Bank Notes, or Money, shall take possession thereof, and shall apply the same to his own Use, he shall be deemed guilty of a higher Offence, and be liable to a Penalty not exceeding Ten Pounds, besides restoring the same to the Owner thereof.

Goods stolen or fraudulently disposed of to be delivered up to Owner.

344. If any Goods or Articles shall be stolen or unlawfully obtained from any Person, or being unlawfully obtained shall be unlawfully pawned, pledged, sold, or exchanged, and Complaint shall be made thereof, and if such Goods shall be found in the Possession of any Broker or other Dealer in Second-hand Property, or of any Person who may have advanced Money upon the Credit of such Goods, it shall be lawful to any Magistrate to issue a Summons or Warrant for the Appearance of such Broker, Dealer, or other Person, and for the Production of the Goods or Articles; and the Ownership of such Goods or Articles being established to the Satisfaction of such Magistrate, he shall order such Goods or Articles to be delivered up to the Owner thereof, either with or without Payment of any Sum, and at such Time as the Magistrate shall think fit; and every Broker, Dealer, or other Person who, being so ordered, shall refuse or neglect to deliver up the Goods or Articles, or who shall dispose of or make away with the same after Notice that such Goods were stolen or unlawfully obtained as aforesaid, or unlawfully pawned, pledged, sold, or exchanged, shall forfeit to the Owner of the Goods the full Value thereof, to be determined by the Magistrate: Provided always, that no Order shall be

be final, and shall not prevent any Broker or Dealer from recovering Possession of such Goods by Action of Law from the Person into whose Possession they may have come by the Magistrate's Order, so that such Action be commenced within Three Months next after such Order shall be made.

PART V. General Police Regulations. Sect. 7.

345. Where any stolen or unclaimed Goods or Effects may be brought to the Police Office, the Superintendent or other Officer of Police shall forthwith enter the same in a Book to be kept in the Police Office for that Purpose, with the Names of the Parties from whom taken or by whom pledged or brought to the Police Office, in which Book the Superintendent or other Officer of Police shall also enter the Date and Manner in which such stolen or unclaimed Goods shall be retained till disposed of.

How stolen or unclaimed Goods to be kept.

346. Any Goods, Articles, or Money charged as having been stolen or unlawfully obtained, and of which the Owner may be unknown, shall be taken charge of by an Officer specially appointed in the Police Office; and it shall be lawful for any Magistrate, after the Expiration of Twelve Months during which no Owner shall have claimed the same, to grant Warrant for the Sale or Disposal of such Goods, Articles, or Money; and the Proceeds, after deducting Expenses, shall be applied to the Police Purposes of this Act.

Unclaimed Goods may be disposed of after Twelve Months.

PART V.

SECTION VII.—*Suppression of Vagrants.*

347. It shall be lawful for any Constable to apprehend and bring before the Magistrate all Persons found begging, or exposing Wounds or Deformities, or exposing Children of tender Age to the Inclemency of the Weather, or placing themselves or otherwise acting so as to induce or for the Purpose of inducing the giving of Alms, and all Persons conducting themselves as Vagrants, having no fixed Place of Residence, and no lawful Means of gaining their Livelihood within the Burgh, and all Persons who, after having been convicted of Vagrancy, or of Housebreaking or Theft, are found in possession of any Picklock, Key, Crow, Jack, Bit, or other Implement usually employed in Housebreaking, or who, although not previously so convicted, are found in possession of any such Implement, or of any lethal Weapon, or in any Building or Part of a Building or other enclosed Space, for any unlawful Purpose, or who, after having been convicted of Housebreaking or Theft, are found in any public or private Street, or other Place, with Intent to commit any Penal or Police Offence, or in possession of any Article, without being able to give a satisfactory Account of their Possession thereof; and

Vagrants, Beggars, &c. to be apprehended, and, upon Conviction, imprisoned.

PART V. General Police Regulations. Sect. 7.

and such Persons, upon Conviction, shall be liable to be imprisoned for any Period not exceeding Thirty Days, and for a Second or any subsequent Offence to Imprisonment for a Period not exceeding Sixty Days; and if any Money or Article be found upon their Persons, such Money or Article may be forfeited, and applied to the Purposes of this Act. 5

Procedure as to Persons sending out Children to beg.

348. It shall be lawful for any Constable to apprehend and bring before the Magistrate all young Persons found begging, or sent or suffered to go out for that Purpose, within the Burgh, and also the Parents of such young Persons, or other Relations to whose Control they are subject, by whom they have been so sent or suffered to go out, and also any other Persons by whom such young Persons have been so sent out; and on the Complaint being established that such young Persons have been sent out or suffered to go out for that Purpose by their Parents or either of them, or by any other Relation to whose Control they are subject, or have been sent out for that Purpose by any other Person, it shall be lawful for the Magistrate to punish such Parent, Relation, or other Person as a Vagrant or disorderly Person by Imprisonment for a Period not exceeding Thirty Days. 10 15 20

Beggars and Vagrants to be handed over to the Parochial Authorities.

349. It shall be lawful for any Constable to apprehend and bring before the Magistrate all such Beggars, Vagrants, and idle poor Persons, Men, Women, or Children, strolling or wandering or seeking Relief, or found lying in any Outhouse, Stair, Close, or Area, or other Place within the Burgh; and it shall be lawful for the Magistrate to direct and cause all such Persons as he may not at the Time convict of Begging and Vagrancy, as herein-before provided, to be handed over to the Inspector of the Poor or other Official of the Parish within which such Persons shall have been found, in order that their Claim as Paupers may be investigated and disposed of according to Law. 25 30

Penalty against Chain-droppers, Swindlers, &c.

350. All Chain Droppers, Thimblers, loaded Dice Players, and other Swindlers of that or any similar Description, who shall be found in possession of Implements or Articles for practising Games of Hazard, or who shall exhibit such Implements or Articles in order to induce or entice or who shall induce or entice any Person to play at any Game of Hazard, or who, by any fraudulent Art or Device, shall cozen and cheat or attempt to cozen and cheat any Person, may be convicted before a Magistrate on the Testimony of One or more credible Witness or Witnesses, and on Conviction shall be imprisoned for any Term not exceeding Sixty Days, and shall also at the same Time be sentenced to repay any Money or restore any Property which they may have obtained by means of any such Offence, and failing 35 40

failing such Payment or Restoration may, under the same Procedure, be committed to or detained in Prison for any further Term not exceeding Sixty Days.

PART V. General Police Regulations. Sect. 8.

PART V.

SECTION VIII.—*Public Bathing.*

Bathing.

Bathing Machines and Bathing

351. Where any Part of the Seashore or Strand of any River used as a public Bathing Place is within the Burgh the Magistrates may make Byelaws for the following Purposes; that is to say,

For fixing the Stands of Bathing Machines on the Seashore or Strand, and the Limits within which Persons of each Sex shall be set down for bathing, and within which Persons shall bathe:

For regulating the Occupation of such Stands of Bathing Machines, and apportioning the same temporarily among the Owners of such Machines for the Time:

For preventing any indecent Exposure of the Persons of the Bathers:

For regulating the Manner in which and the Times at which the Bathing Machines shall be used, and the Charges to be made for the same:

For ensuring that the Bathing Machines shall be kept in a proper State of Repair:

For regulating the Distance at which Boats and Vessels let to Hire for the Purpose of sailing or rowing for Pleasure shall be kept from Persons bathing within such prescribed Limits.

PART V.

SECTION IX.—*Places of public Resort and disorderly Houses.*

Places of public Resort and disorderly Houses.

Penalty on Victuallers entertaining Constables while on Duty.

352. Every Person keeping any House, Shop, Room, Place of public Resort, or other Premises within the Burgh, who knowingly harbours or entertains or suffers to remain in his House, Shop, Room, or Premises any Constable during any Part of the Time appointed for his being on Duty, unless for the Purpose of quelling any Disturbance or restoring Order, or otherwise in the Execution of his Duty, shall for every such Offence be liable to a Penalty not exceeding Twenty Shillings.

Penalty for harbouring disorderly Persons.

353. Every Person occupying or keeping any House, Shop, Room, Place of public Resort, or other Premises within the Burgh, who shall permit any Breach of the Peace or riotous or disorderly Conduct within any Shop, Cellar, Room, Place of public Resort, House, Office, or other Premises, occupied or rented by him, or shall knowingly harbour Prostitutes, or permit or suffer Men and

PART V. General Police Regulations. Sect. 9.

Women of notoriously bad Fame, or dissolute Boys and Girls, to meet or assemble therein, or shall knowingly lodge, entertain, or harbour, to the Annoyance of the Inhabitants, any Prostitute or idle Rogue or Vagabond, such Person so offending shall for every such Offence be liable in a Penalty not exceeding Ten Pounds, and so from Time to Time, and the Magistrates may further ordain such Offenders to find Caution for their good Behaviour for Twelve Months, under a Penalty not exceeding Twenty Pounds, and in the event of such Security not being found, to adjudge the Person offending to Imprisonment for any Term not exceeding Sixty Days: Provided always, that if any Person shall be found guilty of any such Offence a Second Time, it shall be lawful for the Magistrates or any of them, on the Application of Three Householders or of the Procurator Fiscal, to eject and remove such Person summarily from the Premises possessed, occupied, or kept by him, and to impose such further Penalty on such Offender, not exceeding Twenty Pounds, with Costs, as to the Judge may seem fit.

Officers may enter Public Houses on hearing disorderly Noise therein.

354. The Superintendent of Police or any Constable shall have Power, by virtue of his Office, at any Time to enter any Building or Part of a Building, or other Place of the following Description, on hearing any disorderly Noise therein, or having Reason to believe or suspect that Persons accused or reasonably suspected of having committed any Penal Offence, or any Police Offence, in respect of which Imprisonment may be awarded, or that any Articles known or suspected to have been stolen or fraudulently obtained are to be found therein; viz.—

Any Place used for the Purpose of Stage Plays or Dramatic Entertainments, or for any Public Show or Exhibition:

Any Singing or Dancing Saloon, Oyster Store, Fish Shop, Eating House, Coffee House, or other such Place:

Any Victualling House, Public House, or House in which Wine, Spirits, Beer, Cider, or other fermented or distilled Liquors are sold, whether licensed or not:

Any common Brothel or House for the Reception of Prostitutes, or any House usually frequented by Thieves or loose and disorderly Persons:

Any Building or Part of a Building which is kept or used for a Purpose in respect of which a Licence is required by the Provisions of this Act:

Any Ship or other Vessel not being employed in Her Majesty's Service:

And if the Keeper of any such Building or Part of a Building or other Place, or any Servant or other Person having the Charge thereof, or the Master or other Person having Charge of such Vessel, shall

shall not admit such Superintendent or Constable, when required, such Person shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds.

PART V. General Police Regulations. Sect. 9.

355. Any Person licensed to sell Wine, Spirits, Beer, Cider, or other fermented or distilled Liquors by Retail, who shall purchase any Article of Wearing Apparel, or Bed Clothes, or any Goods, or who shall receive any Article in Pawn as the Price or as Security for the Price of any fermented or distilled Liquors, shall be liable in a Penalty not exceeding Five Pounds, and in the Case of such Pawn the Article so received shall be restored to the Owner; and any Person licensed as aforesaid who shall supply any Sort of fermented or distilled Liquors to and for the Use on the Premises of such Person of any Boy or Girl apparently under Fourteen Years of Age shall be liable for the First Offence to a Penalty not exceeding One Pound, for the Second Offence to a Penalty not exceeding Two Pounds, and for a Third Offence to a Penalty not exceeding Five Pounds.

Penalty for purchasing Wearing Apparel or taking Pawn for spirituous Liquors, or supplying Liquors to Persons under 14 Years of Age.

356. Every Person who within the Burgh keeps or uses or acts in the Management of any House, Room, Pit, or other Place for the Purpose of fighting, baiting, or worrying any Animals shall be liable to a Penalty of not more than Five Pounds, or, in the Discretion of the Magistrate before whom he is convicted, to Imprisonment, with or without Hard Labour, for a Time not exceeding One Month, without any Penalty being imposed; and the Magistrate may, by Order in Writing, authorize the Superintendent of Police, with such Constables as he thinks necessary, to enter any Premises kept or used for any of the Purposes aforesaid, and take into Custody all Persons found therein without lawful Excuse, and every Person so found shall be liable to a Penalty not exceeding Five Shillings; and a Conviction for this Offence shall not exempt the Owner, Keeper, or Manager of any such House, Room, Pit, or Place from any penal Consequences to which he is liable for the Nuisance thereby occasioned.

Penalty on Persons keeping Places for baiting Animals, and on Persons found therein.

357. It shall be lawful for the Superintendent or any Constable of Police, having good Grounds for believing that any House, Room, or Place is kept or used as a Gaming House, to enter such House, Room, or Place, and, if needful, to use Force for the Purpose of effecting such Entry, and to take into Custody all Persons who shall be found therein, and to seize all Tables for and Instruments of Gaming found in such House, Room, or Place, and all Monies and Securities for Money found therein; and the Owner or Keeper of such Gaming House, or other Person having the Care or Management

Power to Superintendent, &c. to enter Gaming Houses, and seize Implements of Gaming.

Penalties.

PART V. General Police Regulations. Sects. 9, 10, 11.

ment thereof, and also any Person who shall act in any Manner in conducting such Gaming, shall be liable in a Penalty not exceeding Fifty Pounds; and upon Conviction of any such Offender all such Tables and Instruments of Gaming shall be destroyed, and all the Monies and Securities for Money which shall have been seized as aforesaid shall be paid over to the Collector of Police, and applied in the same Way and Manner as Penalties by this Act are directed to be applied; and every Person found within such Premises without lawful Excuse shall be liable in a Penalty not exceeding Ten Pounds.

Proof of Gaming for Money not necessary in support of Prosecution.

358. It shall not be necessary in support of any Prosecution under this Act for Gaming in or suffering any Game or Gaming in such Gaming House, or for keeping or using or being concerned in the Management or Conduct of such House, to prove that any Person found playing at any Game was playing for any Money, Wager, or Stake.

PART V.

Clocks.

SECTION X.—*Clocks.*

Power to Commissioners to provide public Clocks.

359. The Commissioners may from Time to Time, as they shall see fit, provide such Clocks as they consider necessary, and cause them to be fixed upon or against any public Building, or, with the Consent of the Owner or Occupier, upon or against any private Building the Situation of which may be convenient for that Purpose, and may cause the Dials thereof to be lighted at Night, and from Time to Time alter and remove any such Clocks to such other like Situation as they shall consider expedient.

PART V.

Fires.

SECTION XI.—*Fires.*

Penalty for wilfully setting Chimneys on fire.

360. Every Person who wilfully sets or causes to be set on fire any Chimney within the Burgh shall be liable to a Penalty not exceeding Five Pounds: Provided always, that nothing herein contained shall exempt the Person so setting or causing to be set on fire any Chimney from Liability to be indicted or prosecuted therefor before any Criminal Court.

Penalty for accidentally allowing Chimneys to catch fire.

361. If any Chimney within the Burgh catch or be on fire, the Person occupying or using the Premises in which such Chimney is situated shall be liable to a Penalty not exceeding Ten Shillings: Provided always, that such Forfeiture shall not be incurred if such Person prove to the Satisfaction of the Magistrate before whom the Case is heard that such Fire was in nowise owing to Omission, Neglect,

Neglect, or Carelessness of himself or Servant; and provided also, that such Person shall pay the Expenses incurred in extinguishing the Fire, as the same shall be fixed by the Magistrate.

PART V. General Police Regulations. Sect. 11.

362. The Commissioners may purchase or provide such Engines for extinguishing Fire, and such Water Buckets, Pipes, and other Appurtenances for such Engines, and such Fire Escapes and other Implements for Safety or Use in case of Fire, and may purchase, keep, or hire such Horses for drawing such Engines, as they think fit, and may build, provide, or hire Places for keeping such Engines with their Appurtenances, and may employ a proper Number of Persons to act as Firemen, and may make such Rules for their Regulation as they think proper, and give such Firemen and other Persons such Salaries and such Rewards for their Exertions in Cases of Fire as they think fit, and shall be entitled to recover from the Owners of the Premises such reasonable Sums of Money as they shall consider just, for the Use and Employment of such Engines and other Appurtenances and Implements, and Firemen or other Persons, in the event of them or any of them being so employed in extinguishing Fire on the Premises of such Owners.

Fire Engines may be provided, and Firemen employed by the Commissioners.

363. The Commissioners may send such Engines, with their Appurtenances, and the said Firemen, beyond the Boundaries of the Burgh, for extinguishing Fire in the Neighbourhood of the Burgh; and the Owner of the Premises where such Fire shall have happened shall in such Case defray the actual Expense which may be thereby incurred, and shall also pay to the Commissioners a reasonable Charge for the Use of such Engines, with their Appurtenances, and for the Attendance of such Firemen; and in case of any Difference between the Commissioners and the Owner of such Premises, the Amount of the said Expenses and Charge, as well as the Propriety of sending the said Engines and Firemen as aforesaid for extinguishing such Fire (if the Propriety thereof be disputed), shall be determined by the Sheriff, whose Decision shall be final; and the Amount of the said Expenses and Charge shall be recovered by the Commissioners as any Debt may be recovered.

Fire Police permitted to go beyond the Limits of the Burgh in certain Cases.

Prevention of Fires.

364. The Party Walls of all Buildings erected after the Adoption of this Act shall be carried through and above the Roof, to form a Parapet of not less than Twelve Inches in Height, measured at Right Angles with the Slope of the Roof, above the Covering of the Roof of the highest Building to which such Party Wall belongs; and all such Party Walls, and the external Walls of all Buildings erected after the Adoption of this Act in or near any Street, public or private, or within the Curtilage of any House adjoining

Party Walls to be carried up through the Roof.

Walls of Buildings and Coverings of Roofs to be made

PART V. General Police Regulations. Sect. 12.

of incombustible Materials.

adjoining any such Street, shall be constructed of incombustible Materials, and the Coverings of the Roof thereof shall not, without the previous Consent in Writing of the Commissioners, be constructed of combustible Materials; and it shall not be lawful for the Owner of any Building having, at the Date of the Adoption of this Act, a Roof covered with Thatch or other combustible Material, and contiguous to or adjoining to any other Building, to suffer such Covering to such Roof to remain for a longer Period than Seven Years after such Adoption of this Act, unless with the Consent in Writing of the Commissioners; and every Person who shall erect any Building, or cover any Roof, or suffer the Covering of any Roof to continue, contrary to the Provision herein contained, and who shall not remove or alter the same within One Month after Notice given to him for that Purpose by the Commissioners, shall be liable to a Penalty not exceeding One Pound for every Day that such Building or Covering to such Roof shall so continue.

PART V.

SECTION XII.—*Ventilation and Cleansing.*

Ventilation and Cleanliness.

Regulating Construction of Buildings intended as Places for Public Meetings.

No Person to begin to build until Plan has been approved by Commissioners.

365. Before beginning to build any Building intended to be used as a Church, Chapel, or School, or a Place of Public Amusement or Entertainment, or for holding large Numbers of People for any Purpose whatsoever, within the Burgh, the Person intending to build the same shall give Thirty Days Notice in Writing to the Commissioners, and shall accompany such Notice with a Plan and Description of the Manner proposed for its Construction, with respect to the Means of supplying fresh Air to such Building; and no Person shall begin to build such Building until the Manner proposed for its Construction, with respect to the Means for supplying fresh Air, has been approved of by the Commissioners; and in default of sending such Notice, or if any such Building be erected without such Approval, the Commissioners may cause such Building, or such Part of it as they consider necessary, to be pulled down or altered, at the Expense of the Owner, and any Expense incurred by the Commissioners in so doing may be recovered as herein-before provided with respect to ruinous or dangerous Buildings taken down or repaired by the Commissioners; and with regard to such existing Buildings as are at the Adoption of this Act or may thereafter be used for any of the said Purposes, the Commissioners may cause the same to be inspected, and may direct such Means to be taken for their proper Ventilation as to them shall seem fit.

If Commissioners fail to signify

366. Provided always, if the Commissioners fail to signify in Writing their Approval or Disapproval of the Manner of Construction of

of any new Building, with respect to the Means of supplying fresh Air shown on such Plan and Description as aforesaid, within Seven Days after receiving such Notice, accompanied by such Plan and Description, the Person giving such Notice may, notwithstanding anything herein contained, proceed to build the Building therein referred to in the Manner shown on such Plan and Description, provided that such Building be otherwise in accordance with the Provisions of this Act.

their Approval or Disapproval of Plan within 7 Days, Party may proceed to build.

367. Provided also, if the Owner or other Person so intending to build or the Owner of any existing Building be dissatisfied with the Determination of the Commissioners as to the said proposed Manner of Construction, he shall have the same Right of Appeal against the Determination of the Commissioners, and such Appeal shall be conducted in the same Manner herein provided in the Case of Appeals against any Order of the Commissioners with respect to Works to be constructed by or subject to the Approval of the Commissioners.

Persons may appeal against Determination of Commissioners.

368. It shall not be lawful to let separately, except as a Warehouse or Storehouse, or to suffer to be occupied as a Dwelling Place, any Cellar whatsoever or any Vault or Underground Room (not being entirely open on One or other of its Sides), which Vault or Room shall be less in Height from the Floor to the Ceiling than Seven Feet, or which shall be less than One Third of its Height above the Level of the Street or Ground adjoining the same, or otherwise shall not have Three Feet at least of its Height from the Floor to the Ceiling above the said Level, with an open Area of Two Feet Six Inches wide from the Level of the Floor of such Vault or Room up to the Level of the said Street or Ground, or which shall not have appurtenant thereto the Use of a Watercloset, or which shall not also have a glazed Window made to open to the full Extent of the Half thereof, the Area of which is not less than Nine superficial Feet clear of the Frame, and a Fireplace with a Chimney or Flue, or which Vault or underground Room, being an inner or back Vault or Cellar let or occupied along with a front Vault or Room as Part of the same Letting or Occupation, has not a ventilating Flue (unless such inner or back Vault or Room shall be Part of a House built before the Adoption of this Act), or which shall not be well and effectually drained by means of a Drain, the uppermost Part of which is One Foot at least below the Level of the Floor of such Vault, Cellar, or Room, after the Commissioners have given Notice to the Owners thereof that the letting of such Cellars, Vaults, or underground Rooms as Dwelling Places is prohibited from that Time forth; and it shall be the Duty of the Commissioners to issue such Notices from Time to Time, as soon as is convenient, until such Notice has been given with respect to every Cellar, Vault, or underground Room occupied as a Dwelling House within the Burgh; and it

No Cellars under the Height of 7 Feet from the Floor to the Ceiling to be let as Dwellings.

Cellars in Courts not to be occupied as Dwellings after Letting prohibited.

PART V. General Police Regulations. Sect. 12.

it shall not be lawful, after such Notice, to let or continue to let, or to occupy or suffer to be occupied, separately, as a Dwelling House, any such Cellar, Vault, or underground Room; but any Person considering himself aggrieved by any such Prohibition may, within Ten Days after the same is made known to him, appeal against the same to the Sheriff, in manner herein-after appointed with regard to Appeals under this Act.

Penalty on letting such Cellars as Dwelling Places.

369. Every Person who lets separately, or who knowingly suffers to be occupied for Hire as a Dwelling, any Vault, Cellar, or Room within the Burgh, contrary to the Provisions of this Act, shall be liable to a Penalty not exceeding Twenty Shillings for every Day during which such Vault, Cellar, or Room is so occupied after Conviction of the First Offence.

Common Stairs to be ventilated, and Houses let for short Periods to be cleansed.

370. The Owners of all common Stairs and common Passages shall have the same provided with proper Means of Ventilation to the Satisfaction of the Surveyor or Inspector of Cleansing, and shall whitewash or paint the same as often as required to do so by the Surveyor or Inspector of Cleansing, and the Owners of all Premises occupied as Dwelling Houses let for shorter Periods than Six Months shall whitewash and properly cleanse such Premises, and every Part and Pertinent thereof, to the Satisfaction of the Inspector of Cleansing, at least once in the Year, or oftener if required by the Surveyor or Inspector of Cleansing, and any such Owner failing to do so shall be liable to a Penalty not exceeding Forty Shillings.

Common Stairs to be cleansed.

371. The Occupiers of Dwelling Houses in common Stairs shall sweep, wash, and cleanse the Landing Places of the Flats or Storeys in which their Houses are situated, and the Steps leading from such Landing Places to the Flats or Storeys immediately below them, and also any intermediate Landing Place between such Flats or Storeys, at least once in every Week; and if there be more than One Occupier in each Storey or Flat, each Occupier shall sweep, wash, and cleanse such Landing Places and Stairs Week about by Turns; and such Occupiers shall at the same Time also sweep, wash, and cleanse the Passage and Stair, if any, leading from the lowest Step of such common Stair within the Premises to the Street; and any such Occupier who shall fail to sweep, wash, and cleanse as aforesaid, shall for every such Failure be liable in a Penalty not exceeding Forty Shillings.

Inspector may enter and cleanse Dwelling Houses, &c., at Expense of Owners.

372. It shall and may be lawful, at all reasonable Times, for the Superintendent or Inspector of Cleansing to enter all Dwelling Houses and other Premises, and their Pertinents, where he has Reason to believe that they are not in a cleanly Condition, or have an Accumulation of Filth therein, and to cleanse and purify the same, and to remove such

such Filth therefrom, at the Expense of the Owner of such Dwelling Houses and other Premises, reserving to the said Owner his Recourse against the Occupier thereof, if such Accumulation of Filth shall have been caused or suffered to remain by such Occupier: Provided always, that if the Owner or Occupier of any such Dwelling House or other Premises shall object to the Entrance of such Surveyor or Inspector as aforesaid, it shall not be lawful for such Surveyor or Inspector to enter without a Warrant from the Magistrate authorizing him so to do.

Offensive Substances.

373. All Persons dealing in Rags, Bones, and other offensive Substances shall at all Times be bound to keep their Premises in which such Articles are kept in a cleanly State, to the Satisfaction of the Superintendent of Police or Inspector of Cleansing, and to fumigate such Premises with Chloride of Lime or other purifying Matter for removing offensive Smells at least Three Times a Week, at the Sight of such Superintendent or Inspector, or of any Person acting under them, and Access shall at all reasonable Times be given to such Superintendent or Inspector, or such other Person acting under them, for such Purpose; and any Person failing therein shall, on Conviction before any One of the Magistrates, on the Testimony of One credible Witness or other legal Evidence, forfeit a Sum not exceeding Two Pounds for each Offence; and if it shall be established before any One of the Magistrates, on the Testimony of Two Medical Practitioners or other Evidence, that the collecting or keeping of Bones or Rags or other Substances in the Vicinity of any Dwelling House, Shop, or other Place is prejudicial to the Health or Comfort of Persons residing or employed therein, it shall be lawful for any One of the Magistrates to order such Rags, Bones, or other Substances to be removed within such Time as they may see proper, and to prohibit such collecting or keeping in future, under a Penalty not exceeding Five Pounds.

PART V.

SECTION XIII.—*Slaughter-houses.*

Slaughter-houses.

Commissioners may license Slaughter-houses.

374. The Commissioners may provide and establish fit Shambles or Slaughter-houses for the Purpose of slaughtering Cattle, and for that Purpose may borrow such Sums of Money as they shall find necessary on the Security of the Police Assessment, and of the Rates to be taken and levied for the Use of such Shambles and Slaughter-houses, and of the Shambles or Slaughter-houses and Ground on which the same are erected, or on any One or more thereof, and they may also license such Slaughter-houses as they from Time to Time think proper for slaughtering Cattle within the Burgh.

PART V. General Police Regulations. Sect 13.

No Slaughter houses in future to be erected without a Licence.

375. No Place shall be used or occupied as a Slaughter-house within the Burgh unless and until a Licence for the Erection thereof, or for the Use and Occupation thereof as a Slaughter-house, have been obtained from the Commissioners; and every Person who, without having first obtained such Licence as aforesaid, uses as a Slaughter-house any Place within the Burgh, shall for each Offence be liable to a Penalty not exceeding Five Pounds, and a like Penalty for every Day after the Conviction for such Offence upon which such Offence is continued.

Commissioners may make Byelaws for Regulation of Slaughter-houses, &c.

376. The Commissioners shall from Time to Time, by Byelaws to be made and confirmed in the Manner herein-after provided, make Regulations or Byelaws for the licensing, registering, and Inspection of Slaughter-houses, and preventing Cruelty in Slaughter-houses, and for keeping the same in a cleanly and proper State, and for removing Filth at least once in every Twenty-four Hours, and requiring them to be provided with a sufficient Supply of Water, and they may impose pecuniary Penalties on Persons breaking such Byelaws; provided that no such Penalty exceed for any One Offence the Sum of Five Pounds, and in the Case of a continuing Violation of such Regulations or Byelaws the Sum of Ten Shillings for every Day during which such Nuisance shall be continued after the Conviction for the First Offence.

Licence of Slaughter-houses may be suspended in addition to Penalty imposed.

377. The Magistrate before whom any Person is convicted of killing or dressing any Cattle contrary to the Provisions of this Act, or of the Non-observance of any of the Byelaws or Regulations made by virtue of this Act, in addition to the Penalty imposed on such Person under the Authority of this Act, may suspend for any Period not exceeding Two Months the Licence granted to such Person under this Act; and such Magistrate, upon the Conviction of any Person for a Second or other subsequent like Offence, may, in addition to the Penalty imposed under the Authority of this Act, declare the Licence granted under this Act revoked; and whenever the Licence of any such Person is revoked as aforesaid the Commissioners may refuse to grant any Licence whatever to the Person whose Licence has been so revoked.

Penalty for slaughtering Cattle during Suspension of Licence, &c.

378. Every Person who, during the Period for which any such Licence is suspended, or after the same is revoked as aforesaid, slaughters Cattle in the Slaughter-house to which such Licence relates, or otherwise uses such Slaughter-house, or allows the same to be used as a Slaughter-house, shall be liable to a Penalty not exceeding Five Pounds for such Offence, and a further Penalty of Five Pounds for every Day on which any such Offence is committed after the Conviction for the First Offence.

379. Should

PART V. General Police Regulations. Sect. 14.

If Commissioners provide Slaughter-houses, no other Places to be used.

379. If the Commissioners resolve to provide and establish, and do provide and establish, Shambles or Slaughter-houses, as herein provided, or in virtue of Powers contained in any Local Act, no Person shall thereafter slaughter any Cattle or Beasts, or scald or dress the Carcasses of any slaughtered Cattle, or cause the same to be done, within the Boundaries of the Burgh in which such Slaughter-houses are provided, or within a Distance of Two Miles beyond such Boundaries, elsewhere than within the said Slaughter-houses, under a Penalty of Five Pounds for each Offence; and to prevent Evasion of the Use of such Slaughter-houses, all Persons who shall, after such Slaughter-houses are provided, bring within the Boundaries of the Burgh, for Sale or Consumption therein, the Carcass or Part of a Carcass of any Cattle or Beast slaughtered beyond the Distance of Two Miles of the said Boundaries, shall, on their bringing such Carcass or Part of a Carcass within the said Boundaries, be liable in Payment to the Commissioners or their Collector for the Time being of the same Dues as shall at the Time be leviable for Cattle or Beasts slaughtered in such Slaughter-houses; and it shall and may be lawful for the Commissioners to demand and take, for the Use of the said Slaughter-houses, such reasonable Rate or Sum as may be agreed on and fixed between them and the Persons using the same; and in case of Difference as to the Rate to be taken for the Use of such Slaughter-houses, the same shall, upon the Application of either Party, and after Seven Days previous Notice to the other Party of such intended Application, be fixed and determined by the Sheriff in a summary Manner, without written Pleadings, and the Decision of the Sheriff shall be final and conclusive, and not subject to Review.

PART V.

SECTION XIV.—*Markets.*

CLAUSE Oo. Commissioners Powers as to Markets, &c.

380. The Commissioners shall have Power to do the following Things or any of them;—

To improve any existing Market Places within the Burgh:

To provide a Market Place, and construct a Market House and other Conveniences, for the Purpose of holding Markets:

To provide Houses and Places for weighing Carts:

To make convenient Approaches to such Market:

To provide all such Matters and Things as may be necessary for the convenient Use of such Market:

To take Stallages, Rents, and Dues, in respect of the Use by any Person of such Market House:

But no Market shall be established in pursuance hereof so as to interfere with any Rights, Powers, or Privileges enjoyed by any

PART V. General Police Regulations. Sect. 15.

Person, Chartered Joint Stock or Incorporated Company, without his or their Consent.

For the Purpose of enabling the Commissioners to establish Markets in manner foresaid, or to improve and regulate Markets already established in any Burgh, there shall be incorporated with this Act the Provisions of "The Markets and Fairs Clauses Act, 1847," in so far as the same relate to Markets:

With respect to the holding of the Market or Fair and the Protection thereof; and

With respect to the weighing Goods and Carts; and

With respect to the Stallages, Rents, and Tolls; and

With respect to Byelaws:

Subject to this Proviso, that all Tolls leviable by the Commissioners in pursuance of this Act shall be approved of by the Sheriff of the County within which such Market is situate.

PART V.

SECTION XV.—*Special Orders.*

As to certain Matters authorized to be done by the Commissioners by Special Order only.

381. Where by this Act the Commissioners are empowered to do any Thing by Special Order only, it shall not be lawful for them to do such Thing unless the Resolution to do the same have been agreed to by Two Thirds of the Commissioners present at a Meeting whereof special Notice has been given, and has been confirmed by Two Thirds of the Commissioners present at a subsequent Meeting held not sooner than Four Weeks after the preceding Meeting, and which subsequent Meeting has been advertised once at least in each of the Weeks intervening between the Two Meetings in some Newspaper circulating within the Burgh, if any be, or otherwise in some Newspaper circulating in the County in which the Burgh is situated, and of which special Notice in Writing has been given to each of the Commissioners.

Final Resolution not to be carried into effect for One Month, nor then if a Majority of the Ratepayers remonstrate against the same.

382. Provided always, That after any Resolution has been confirmed in a subsequent Meeting as aforesaid, the Commissioners shall not proceed to carry the same into effect until after the Expiration of One Month from the Date of such Second Meeting, and during such Month such Resolution shall be advertised once at least in each Week in such Newspaper as aforesaid, and public Notice thereof shall also be given by means of Placards posted in public Places within the Burgh, and Reference shall, in such Advertisement and Notice, be made to some Place provided by the Commissioners where the Plan or

or Particulars of the Work or Matter to which such Resolution relates may be gratuitously seen by the Ratepayers; and if before the Expiration of such Month a Remonstrance in Writing against carrying into effect such Resolution or any Part thereof, signed by a Majority of the Ratepayers having Votes in the Election of the Commissioners, be presented to the Commissioners, such Resolution, or such Part thereof as such Remonstrance applies to, shall not be carried into effect; and where any such Remonstrance applies to Part only of any such Resolution, the Commissioners may either carry into effect the Remainder of such Resolution, or rescind the same, as they think fit.

Places for public Recreation;

383. The Commissioners may, by Special Order, as herein defined, but not otherwise, resolve to, and may purchase, rent, or otherwise provide Lands, Grounds, or other Places, either within the Burgh or at a reasonable Distance therefrom, not exceeding Three Miles from the Centre of the principal Market Place, if any, or from the principal Office of the Commissioners, to be used as a Pleasure Ground or Place of Public Resort or Recreation; and the Commissioners may from Time to Time level, drain, plant, and otherwise lay out and improve any such public Lands or Grounds, for the more convenient Use and Enjoyment thereof.

and public Bathing Places and Drying Grounds.

384. The Commissioners may from Time to Time, by Special Order, as herein defined, but not otherwise, resolve to, and may purchase, rent, or otherwise provide, either within the Burgh, or at a reasonable Distance therefrom, suitable and convenient Premises to be used for public Baths and Wash-houses, and public open Bathing Places, and public Drying Grounds, for the Use and Accommodation of the Inhabitants within the Burgh in washing and drying Clothes and other Articles, and may fit up the same respectively with all requisite and proper Conveniences, and from Time to Time enlarge, renew, and repair the same respectively, and afford the Use thereof respectively to such Inhabitants, at such reasonable Charges and under and subject to such Regulations as the Commissioners may deem expedient; and every Person who offends against any such Regulations shall be liable to a Penalty not exceeding Forty Shillings for every Offence.

Proportion of Baths for the Working Classes.

385. Provided always, That the Number of Baths for the Use of the Working Classes in any Building provided by the Commissioners shall not be less than twice the Number of the other Baths of any higher Class.

PART V. General Police Regulations. Sect. 15.

386. The Commissioners may from Time to Time make such reasonable Charges for the Use of such Baths, Bathing Places, Wash-houses, and Drying Grounds as they think fit.

Charges for the Use of Baths.

Recovery of Charges for the Use of Baths, &c.

387. For the Recovery of the Charges at such Wash-houses and Drying Grounds, the Officers, Servants, and others having the Management thereof may, at the Period of using the same, or at any subsequent Time, detain the Clothes or other Goods and Effects, in or upon any such Wash-house or Drying Ground, of any Person refusing to pay the Charge to which such Person may be liable, or any Part thereof, till full Payment thereof be made; and in case such Payment be not made within Seven Days, the Commissioners may sell such Clothes, Goods, and Effects, or any of them, returning the surplus Proceeds of such Sale, after deducting the unpaid Charge and the Expenses of such Detention and Sale, and the unsold Articles, if any, on Demand, to such Person.

Publication of Byelaws in regard to Baths, &c.

388. A printed Copy or sufficient Abstract of the Byelaws made by the Commissioners relating to the Use of such Baths, Bathing Places, and Wash-houses, so far as regards every such Bath, Bathing Place, or Wash-house, shall be put up in such Bath-room, Bathing Place, and Wash-house.

Sale of Baths, &c. on discontinuing them.

389. Whenever any of such public Baths, Bathing Places, Wash-houses, or Drying Grounds are deemed by the Commissioners to be unnecessary or too expensive to be kept up, the Commissioners may, by Special Order, as herein defined, but not otherwise, discontinue the same, and sell the Lands, Buildings, and Materials for the best Price that can reasonably be obtained, and convey the same accordingly; and the Purchase Money shall be paid to the Treasurer of the Commissioners, and be disposed of as the Commissioners direct.

CLAUSE P p. Commissioners may erect a Public Hall &c.

390. The Commissioners may, by Special Order as herein defined, but not otherwise, resolve to acquire and may acquire Ground for the Erection of and may thereafter erect thereon a public Hall and Offices, with all public Conveniences thereto, and may repair the same from Time to Time, and furnish and fit up the same, and employ proper Persons to take care thereof; and for that Purpose it shall be lawful to them to apply, for a Period not exceeding Twenty Years, the General Improvement Assessment hereby authorized to be levied, or such Portion thereof as they may think proper, with the Expense of such Acquisition, Erection, furnishing, and fitting-up; and they shall be and are hereby authorized, upon the Security

Security of the said General Improvement Assessment, to borrow, as herein-after provided with regard to the borrowing of Money for Police Purposes, such Sum as they may require for the Purpose.

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PART VI.

POWERS AND REMEDIES.

SECTION I.—*Byelaws to be made by virtue of this Act.*

Byelaws.

Byelaws.

391. The Commissioners may from Time to Time make such Byelaws as they think fit for the several Police Purposes for which
10 they are by this Act empowered to make Byelaws, and from Time to Time repeal, alter, or amend any such Byelaws, provided such Byelaws be not repugnant to the Law of Scotland, or the Provisions of this Act, and be reduced into Writing, and have affixed thereto the Signatures of Two of the Commissioners, and, if affecting other
15 Persons than the Officers or Servants of the Commissioners, be confirmed and published as herein provided.

Byelaws may be enforced by Imposition of Penalties.

392. The Commissioners, by the Byelaws so to be made by them, may regulate the Fees to be paid to them or to their Officers, or others employed by them in connexion with the Inspection of Plans,
20 Records, or other Documents in their Possession, and with Applications for their Sanction or Authority to the Execution of Works to which by this Act such Sanction or Authority is requisite, and may further impose such reasonable Penalties as they think fit, not exceeding Forty Shillings for each Breach of such Byelaws: Provided always,
25 that such Byelaws be so framed as to allow the Magistrate before whom any Penalty imposed thereby is sought to be recovered to order the whole or part only of such Penalty to be paid, or to remit the whole Penalty.

Byelaws to be confirmed.

393. No Byelaw made by the Commissioners under the Authority
30 of this Act, except such as relate solely to the Commissioners or their Officers or Servants, shall come into operation until the same be confirmed by the Sheriff and authenticated by his Signature; and it shall be incumbent on the Sheriff, on the Request of the Commissioners, to inquire into any Byelaws tendered to him for that Purpose,
35 and to allow or disallow the same as he may think meet.

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Notice of Confirmation to be given.

394. No such Byelaws shall be confirmed unless Notice of the Intention to apply for a Confirmation of the same have been given in One or more Newspapers circulating within the Burgh, if any be, or otherwise in some Newspaper circulating in the County in which the Burgh is situated, One Month at least before the Hearing of such Application; and any Person desiring to object to any such Byelaw, on giving to the Commissioners Notice of the Nature of his Objection Ten Days before the Hearing of the Application for the Allowance thereof, may, by himself, or his Counsel or Agent, be heard thereon, but not so as to allow more than One objecting Party to be heard on the same Matter of Objection.

A Copy of proposed Byelaws to be open to Inspection.

395. For One Month at least previous to any such Application for confirmation of any Byelaw, a Copy of the proposed Byelaws shall be kept at the Office of the Clerk of the Commissioners, and all Persons may at all reasonable Times inspect such Copy without Fee or Reward; and the Commissioners shall furnish every Person who applies for the same with a Copy thereof, or of any Part thereof, on Payment of Sixpence for every One hundred Words so to be copied.

Publication of Byelaws.

396. Such Byelaws, when confirmed, shall be printed; and the Clerk to the Commissioners shall deliver a printed Copy thereof to every Person applying for the same at a Charge not exceeding One Penny; and a Copy thereof shall be painted or printed or placed on Boards, which shall be hung up on the Front or in some conspicuous Part of the principal Office of the Commissioners, and also on some conspicuous Part of the Works or Locality to which the same relate, for a Period of not less than Three Months after the Date of such Confirmation; and any such Clerk who does not allow the same to be inspected at all reasonable Times shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Byelaws to be binding on all Parties.

397. Such Byelaws, when so confirmed and published, shall be binding upon and be observed by all Parties, and shall be sufficient to justify all Parties acting under the same.

Evidence of Byelaws.

398. The Production of a written or printed Copy of the Byelaws as confirmed by the Sheriff, certified by the Clerk, and a written or printed Copy of the Byelaws not requiring such Confirmation, authenticated by the Signature of the Clerk, shall be Evidence of the Existence and of the due making of such Byelaws in all Prosecutions under the same; and with respect to the Proof of the Publication

Publication thereof, it shall be sufficient to prove that a Board containing a Copy thereof was affixed and continued in the Manner by this Act directed, and in case of its being afterwards displaced or damaged that such Board was replaced or restored as soon as conveniently might be, unless Proof be adduced by the Party complained against that such painted Board did not contain a Copy of the Byelaw under which he is prosecuted, or that it was not duly affixed or continued as required by this Act.

PART VI. Powers and Remedies. Sect. 2.

399. Any Person who destroys, pulls down, injures, or defaces any Board on the Premises of the Commissioners, on which any Byelaw of the Commissioners is painted or placed, shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Penalty on pulling down Boards.

PART VI.

SECTION II.—*Borrowing of Money for the Police Purposes of this Act.*

Borrowing of Money.

400. It shall be lawful for the Commissioners to borrow and take up, for any of the Purposes of this Act, or for Repayment of any Monies borrowed for such Purposes under this or any former Acts which shall have fallen due to the Lenders thereof, such Sum or Sums and at such Time or Times as the Commissioners shall deem necessary for such Purposes: Provided always, that in all Cases where it shall be necessary to borrow any Sum or Sums for the Purposes of this Act, it shall be lawful for the Commissioners, and they are hereby authorized and required, at their first Annual Meeting for Assessment after such borrowing, if the respective Rates of Assessment then leviable do not amount to the respective maximum Rates by this Act authorized, to assess all Owners or Occupiers of Premises within the Burgh respectively liable in the several Assessments under this Act in such additional Assessments beyond the Sums necessary for such respective Purposes as will produce a Fund equal to Five per Centum per Annum upon the Sum or Sums so borrowed respectively, and also to the annual Interest of such borrowed Sum or Sums, which Sum of Five per Centum per Annum the Commissioners shall annually appropriate, set apart, and invest, at the highest Rate of Interest which can be had for the same, in the Public Funds, or in any chartered or other Bank, or on Heritable Security, as a Sinking Fund, applicable and to be applied by the Commissioners from Time to Time to the Repayment of the Moneys borrowed until the respective Debts shall be extinguished: Provided always, that such additional Assessment shall at no Time increase the whole Assessment leviable beyond the maximum

Power to Commissioners to borrow Money for the Purposes of this Act.

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maximum Rates of Assessment, as the Case may be, allowed by this Act; and provided also, that no Sum of Money shall be borrowed until an Estimate of the Amount required shall have been laid before the Commissioners, or until the Expiration of Six Weeks after public Notice shall have been given by the Commissioners of the Amount so proposed to be borrowed, and the Purpose to which the borrowed Money is to be applied, in some Newspaper in ordinary Circulation within such Burgh; and provided further, that the Proposal to borrow shall be disposed of at the next Meeting of the Commissioners Six Weeks after such public Notice, and that the Sum borrowed shall not exceed the Amount so advertised, without a further Estimate and Notice in manner above provided.

Commissioners not to be personally liable.

401. No Commissioner or Officer acting under the Commissioners shall be personally liable for the Repayment of any Money so borrowed, but all such Obligations shall be deemed and taken to be granted on the sole Security of the Rates and Assessments authorized to be assessed and levied as herein-before provided.

As to Bonds to be granted.

402. All Bonds for Monies to be borrowed as aforesaid shall be signed by the Treasurer or Collector of the Commissioners, in Presence of Two of the said Commissioners, who shall sign as Witnesses thereto, and shall be in the Form and Tenor following; videlicet,

'Number [*here state the Number*].

'BY virtue of an Act made in the Year of the Reign 'of Her Majesty Queen Victoria, intituled "An Act" [*specify this* 'Act], I *A.B.* [*state whether Treasurer or Collector, or both*] of the 'Commissioners of Police for the Burgh of [*insert the Name of the* 'Burgh], and by Authority of the said Commissioners, in consider- 'ation of the Sum of [*insert the Sum in Words*] instantly advanced 'and paid to me on account of the said Commissioners, and for the 'Purposes of the said Act, by *C.D.* of *E.*, do hereby bind and 'oblige the said Commissioners for the Time being, out of the first 'and readiest of the Monies to be raised under the annual Assess- 'ments by the said Act authorized to be imposed and levied, and 'designated the Assessment or Rate (*as the Case may be*), 'to pay at the Term of [*insert Term of Payment*] to the said *C.D.*, 'his Executors or Assignees, the said Sum of [*state the Sum*], and also 'the Interest thereof at the Rate of [*insert the Rate of Interest*] per 'Centum per Annum from the Date hereof, at the Terms of Whit- 'sunday and Martinmas in each Year, till the said Sum is paid; and 'for the further Security of the said *C.D.* I do hereby assign to him, 'his Executors or Assignees, such Proportion of the said Monies to 'be raised under the said annual Assessment as shall be equivalent

'to

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'to the said Sum now paid to me, and the Interest thereon as aforesaid from the Date hereof to the Term of Payment; and I consent to the Registration hereof in the Books of Council and Session, or others competent, for Preservation, and that all competent Diligence may pass and be directed hereon, in Form as effeirs, and thereto constitute my Procurators. In witness whereof [*insert Testing Clause in common Form*].

'*K.L.*, Commissioner. *A.B.*'

'*M.N.*, Commissioner.'

And till Repayment such Bonds respectively shall form a Lien on the Rates and Assessments under this Act assigned by such Bond, and shall entitle the Creditor under the same to recover the Contents thereof from the Commissioners and their Officers out of the first and readiest of such Rates and Assessments.

Bonds may be transferred by Indorsement.

403. Such Bonds may be assigned by Indorsation on the Back thereof in the Form and Tenor following; videlicet,

'I *C.D.*, within designed, do transfer this Bond, with all Right, Title, or Interest which I have under the same, to *E.F.*, his [*or her, or their, as the Case may be,*] Executors and Assignees. In witness whereof [*insert Testing Clause in common Form*]. *C.D.*'

'*K.L.*, Witness.

'*M.N.*, Witness.'

Bonds to be recorded, and Assignations to be registered.

404. Before such Bond shall be delivered to the Creditor, or shall form a valid Lien on the Rates and Assessments as aforesaid, the same shall be recorded in the Sederunt Book of the Commissioners, and a Certificate of such Registration shall be indorsed on such Bond, and signed by the Clerk of the Commissioners; and such Assignations shall be notified to the Treasurer of the Commissioners, who shall enter in the said Sederunt Book the Date of the said Assignation, the Names of the Parties thereto, the Number or Mark of such Bond, and the Interest due on the same; and a Certificate of such Entry shall be indorsed on the said Bond, and signed by the Treasurer, and the said Bond, being so certified, the Assignee, his Executors and Assignees, shall thereafter be entitled to the full Benefit of such Bond, in Terms of such Assignation.

CLAUSE Qq. Public Loan Commissioners may lend Money.

405. It shall be lawful for the Commissioners acting in the Execution of the Act passed in the Nineteenth and Twentieth Years of the Reign of Her present Majesty, Chapter Seventeen, and in the Execution of any of the Acts recited in that Act, or of any Act or Acts for amending or continuing the same, to make Advances to the Commissioners upon the Security of all or any of the Monies or Rates to be

PART VI. Powers and Remedies. Sect. 4.

be assessed or levied by them under the said recited Acts or this Act, and without requiring any further or other Security than a Mortgage of such Monies or Rates, repayable by such Instalments within a Period not exceeding Thirty Years as shall in each Case be agreed upon. 5

PART VI.

SECTION III.—*Purchase and Acquisition of Lands.*

Incorporation of Lands Clauses Act.

406. For the Purpose of acquiring any Lands or Premises required by the Commissioners under this Act, the Clauses of "The Lands Clauses Consolidation (Scotland) Act, 1845," with respect to 10 the Purchase and Sale of Lands, and to Purchase Money or Compensation, are hereby incorporated with this Act; and the Expression "Promoters of the Undertaking" therein contained shall mean, extend to, and include the Commissioners for the Purposes of this Act: Provided always, that before proceeding to acquire Lands under the 15 Provisions of the said Act, the Commissioners shall give Notice in Writing of their Intention so to do to the Owner of such Lands, who shall be entitled, within One Month from the Date of the Service on him of such Notice, to appeal to the Sheriff, on the Ground that the Acquisition of such Lands is unnecessary or inexpedient, and 20 the Sheriff shall thereupon, after hearing Parties, determine whether or not the Acquisition of such Lands under the Provisions of said Act be in the Circumstances necessary or expedient, and his Decision shall be final, without Prejudice to such Application being renewed from Time to Time after the Expiry of One Year from the Date of 25 such Decision.

Rights of Heritable Property how to be taken.

407. The Rights of all Heritable Property to be acquired in the Execution of this Act shall be taken in favour of the Clerk of the Commissioners for the Time, and his Successors in Office; and such Rights shall be sufficient for vesting the Subjects in the Commissioners 30 and their Successors in Office.

PART VI.

SECTION IV.—*Execution of Works by Commissioners.*

Commissioners empowered to enter upon Premises for Purposes of this Act.

408. The Commissioners shall for the Police Purposes of this Act have Power, by themselves or their Officers, to enter at all reasonable 35 Hours in the Daytime into and upon any Premises within the Burgh, as well for the Purpose of Inspection as for the Purpose of executing any Work authorized to be executed by them under this Act, without being liable to any legal Proceedings on account thereof: Provided always,

always, that, except when herein otherwise provided, the Commissioners or their Officers shall not make any such Entry, unless with the Consent of the Occupier, until after the Expiration of Forty-eight Hours Notice for that Purpose given to the Occupier.

PART VI. Powers and Remedies. Sect. 4.

Penalty on Persons obstructing Commissioners on Constables in their Duty.

5 **409.** Every Person who shall at any Time obstruct the Commissioners, or shall resist, obstruct, or molest any Constable, Officer, Watchman, Workman, or other Person employed in the Execution of any Duty or the Performance of any Work, by virtue of this Act, or of any Warrant of the Magistrates, or any of them, or of any Bye-
10 law, Regulation, or Order of the Commissioners, or shall aid or incite any Persons so to do, or shall not, when required by a Constable, afford him every reasonable Aid and Assistance in preventing the Escape of any Person whom he has taken into Custody, and is conveying to the Police Office or to Prison, such Person so offending
15 shall for every such Offence be liable to a Penalty not exceeding Five Pounds; and if any Person shall assault or strike any such Constable, Officer, Watchman, Workman, or other Person employed as aforesaid, or aid or incite any Person to rescue or attempt to rescue any Prisoner whom any such Constable, Officer, Watchman, or other
20 Person shall have in Custody, or be aiding to secure such Person so offending, shall for every such Offence be liable to a Penalty not exceeding Ten Pounds, without Prejudice to any Constable, Watchman, or other Person on whom such Assault or Offence may have been committed to sue in any competent Court for Compensation,
25 Damages, or Expenses for any Injury or Loss he may thereby have sustained.

Commissioners to give Notice of new Levels or Sewers.

410. Twenty-eight Days at the least before fixing the Level of any Street which has not been theretofore levelled or paved, and before making any Sewer where none was before, or altering the
30 Course or Level of or abandoning or stopping any Sewer, the Commissioners shall give Notice of their Intention by posting a printed or written Notice in a conspicuous Place at each End of every such Street through or in which such Work is to be undertaken, which Notice shall set forth the Name or Situation of the Street intended to
35 be levelled or paved, and the Names of the Places through or near which it is intended that the new Sewer shall pass, or the existing Sewer be altered or stopped up, and also the Places of the Beginning and the End thereof, and shall refer to the Plans of such intended Work, and shall specify a Place where such Plans may be seen, and
40 a Time and Place where all Persons interested in such intended Work may be heard thereupon.

 411. The

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Meeting of Commissioners to hear Objections.

411. The Commissioners shall meet at the Time and Place mentioned in the said Notice, to consider, in the Presence of the Surveyor of the Commissioners, any Objections made against such intended Work, and all Persons interested therein, or likely to be aggrieved thereby, shall be entitled to be heard before the Commissioners at such Meeting; and thereupon the Commissioners may, in their Discretion, abandon or make such Alterations in the said intended Work as they judge fit; and no such Work to which any Objection is made at such Meeting shall be executed unless the Surveyor of the Commissioners, after the Person making such Objection, or his Agent, has been heard, certify that the Work in his Judgment ought to be executed, nor shall such Work be begun until the End of Seven Days after an Order for the Execution thereof has been duly made by the Commissioners, and entered in their Books.

Persons aggrieved by Orders of Commissioners may appeal to the Sheriff.

412. Any Person liable to pay or to contribute towards the Expense of any of the Works aforesaid, or otherwise aggrieved by any Order of the Commissioners relating thereto, may, at any Time within Seven Days next after the making of any such Order, give Notice in Writing to the Commissioners that he intends to appeal against such Order to the Sheriff, and along with such Notice he shall give a Statement in Writing of the Grounds of the Appeal; and if within Four Days next after giving such Notice the Party grant Bond to the Sheriff, with Two sufficient Cautioners to the Satisfaction of the Sheriff, to abide the Order of the Sheriff, and pay such Costs as shall be awarded by the Sheriff thereupon, the Work so appealed against shall not be begun until after the Judgment of the Sheriff upon such Appeal; and the Sheriff, upon due Proof of such Notice, and upon such Caution being found, shall hear and determine the Matter of the Appeal, and shall make such Order thereon, either confirming, quashing, or varying the same, and shall award such Costs to either of the Parties, as the Sheriff, in his Discretion, thinks fit: Provided always, that the Appellant shall not be heard in support of such Appeal unless such Notice and Statement have been given and such Caution found as aforesaid, nor, on the Hearing of such Appeal, shall he go into Evidence of any other Grounds of Appeal than those set forth in such Statement as aforesaid.

Notice to be given by Commissioners, and Appeal to the Sheriff.

413. And in respect to Appeal as to all other Matters and Things which the Commissioners are by the Police Provisions of this Act empowered to do or perform, or to authorize to be done or performed, and the Cost attending which falls by this Act to be provided for by way of Private Improvement Assessment, the Commissioners shall,

shall, where not otherwise hereby directed, give Notice of their Intention to do or perform or to authorize to be done or performed such Matter or Thing, either by public Advertisement in some Newspaper circulating in the Burgh or in the County in which the Burgh is situated, or by posting Handbills in conspicuous Places in the Burgh, or by Notice in Writing to be transmitted through the Post Office, or delivered personally, or at their Dwelling Houses, to the Individuals having Interest, as the Commissioners shall think proper; and it shall be lawful for any Person whose Property shall be taken or affected, and who shall consider himself injured or aggrieved in respect of such other Matters and Things by this Act so directed to be done or performed and provided for, to appeal to the Sheriff from any Order made or Notice given by the Commissioners in respect of such Matters or Things, in the Manner and to the Effect herein last before provided and directed; and if such Matter or Thing shall not be made the Subject of Appeal to the Sheriff, or being appealed shall be allowed by him, the Commissioners may proceed with the same, and levy the Assessments in reference thereto authorized by this Act: Provided always, that all such Appeals provided for in this and the immediately preceding Clause shall be disposed of summarily, and the Decision of the Sheriff shall in all Cases be final and conclusive, and not subject to Review by Suspension, Reduction, or Advocation, or in any manner of way.

Appeals to be disposed of summarily, and Decision of the Sheriff final.

PART VI.

SECTION V.—*Execution of Works by Owners.*

As to Service of Notice on Owners and Occupiers.

414. Where under this Act any Notice is required to be given to the Owner or Occupier of any Premises in reference to the Police Purposes of the Act, such Notice, addressed to the Owner or Occupier thereof, as the Case may require, may be served on the Occupier of such Premises, or left with some Inmate of his Abode, or, if there be no Occupier, may be put up on some conspicuous Part of such Premises; and it shall not be necessary in any such Notice to name the Occupier or the Owner of such Premises: Provided always, that when the Owner of any such Premises and his Residence are known to the Commissioners, it shall be the Duty of the Commissioners, if such Owner be resident within the Burgh, to cause every Notice required to be given to the Owner to be served on such Owner, or left with some Inmate of his Abode; and if such Owner be not resident within the Burgh, they shall send every such Notice by Post, addressed to the Residence of such Owner.

 415. When-

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Commissioners, in default of Owner or Occupier, may execute Works, and recover Expenses.

415. Whenever, under the Police Provisions of this Act, any Work of any Kind falls to be executed by the Owner or Occupier of any Premises, and Default is made in the Execution of such Work, the Commissioners may cause such Work to be executed, and the Expense incurred by the Commissioners in respect thereof shall be repaid to them by such Owner or Occupier.

Occupier, in default of Owner, may execute Works, and deduct Expenses from his rent.

416. Whenever Default is made by the Owner of any Premises in the Execution of any Work which by the Police Provisions of this Act falls to be executed by him, the Occupier of such Premises may, with the Approval of the Commissioners, cause such Work to be executed, and the Expense thereof shall be repaid to such Occupier by the Owner of such Premises, and such Occupier may deduct the Amount of such Expense out of the Rent from Time to Time becoming due to such Owner.

How Expenses are to be recovered from Owner.

417. If the Owner of any Premises made liable by the Police Provisions of this Act for any Rate, Assessment, or Charge for the Repayment to the Commissioners of any Expenses incurred by them, do not, as soon as the same become due and payable from him, pay such Rate, Assessment, or Charge, or repay all such Expenses to the Commissioners, the Commissioners may recover such Rate, Assessment, Charge, or Expenses, with the legal Interest thereof from the Time when the same was due and payable, from such Owner, in the same Manner as any Debt may be recovered by the Law and Practice of Scotland.

Power to levy Charges on Occupier, who may deduct the same from his Rent.

418. The Commissioners may, by way of additional Remedy, require the Payment of all or any Part of such Rate, Assessment, Charge, or Expenses, and Interest, payable by the Owner for the Time being from the Person who then or at any Time thereafter occupies any such Premises under such Owner; and in default of Payment thereof by such Occupier, on Demand, the same may be levied by Seizure and Sale of the Goods and Effects of such Occupier, in the same Manner as the Police Assessment may be recovered from him under this Act; and every such Occupier shall be entitled to deduct from the Rent payable by him to his Landlord so much as is so paid by or recovered from him in respect of any such Assessment, Charge, or Expenses and Interest.

Occupier not to be liable for more than the Amount of Rent due.

419. Provided always, That no Occupier of any Premises shall be liable to pay more Money in respect of any Sums charged by this Act on the Owner thereof than the Amount of Rent due from him for the Premises in respect of which such Rate, Assessment, Charge, or Expenses and Interest are payable at the Time of the Demand made

made upon him, or which at any Time after such Demand, and Notice not to pay the same to his Landlord, have accrued and become payable by him, unless he neglect or refuse, upon Application made to him for that Purpose by the Commissioners, truly to disclose the Amount of his Rent, and the Name and Address of the Person to whom such Rent is payable; but the Burden of Proof that the Sum demanded of any such Occupier is greater than the Rent which was due by him at the Time of such Demand, or which has since accrued shall lie upon such Occupier: Provided further, that nothing herein contained shall be taken to affect, abridge, or alter any Claim of Relief or otherwise competent to such Owner or Occupier respectively against each other under any special Contract made between them respecting the Payment of the Expenses of any such Works as aforesaid.

Commissioners may allow Time for Repayment by Owners of Improvement Expenses.

420. Where any such Rate, Assessment, Charge, or Expenses payable to the Commissioners by any Owner of any such Premises amount to more than Half the Amount of the net annual Value of such Building or Lands, the Commissioners may, if they think fit, at the Request of any such Owner, allow Time for the Repayment thereof, and receive the same by such Instalments as they, under the Circumstances of the Case, consider reasonable, but so that the same be repaid by annual Instalments of not less than One Seventh Part of the whole Sum originally due, with Interest for the Principal Money from Time to Time remaining unpaid after the yearly Rate of Five Pounds in the Hundred during the Period of Forbearance; and all such Sums remaining due, notwithstanding the Commissioners have agreed to allow any Time for the Repayment thereof as aforesaid, shall from Time to Time, at the Expiration of the several Times so allowed for Repayment thereof, be recoverable in like Manner as such respective Amounts would have been recoverable if no such Time had been allowed for Repayment thereof.

Proceedings in case of Tenants opposing the Execution of this Act.

421. If the Occupier of any Premises within the Burgh prevent the Owner thereof from carrying into effect in respect of such Premises any of the Police Provisions of this Act, after Notice of his Intention so to do has been given by the Owner to such Occupier, the Magistrate may make an Order in Writing requiring such Occupier to permit the Owner to execute all such Works with respect to such Premises as may be necessary for carrying into effect the Provisions of this Act; and if after the Expiration of Ten Days from the Date of such Order such Occupier continue to refuse to permit such Owner to execute such Works, such Occupier shall for every Day during which he so continues to refuse be liable to a Penalty not exceeding Five Pounds; and every such Owner, during the

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the Continuance of such Refusal, shall be discharged from any Penalties to which he might otherwise have become liable by reason of his Default in executing such Works.

Respecting existing Contracts for building.

422. Nothing in this Act contained shall extend to or make void any Agreement in Writing entered into before the Adoption of this Act for erecting or altering any Building, but the same shall be performed, with such Alterations as may be rendered necessary by this Act, and as if such Alterations had been stipulated for in such Agreement; and the Difference between the Cost of the Work according to the Agreement and the Cost of such Work as executed according to the Provisions of this Act shall be ascertained by the Parties to the respective Agreements, and paid for or deducted, as the Case may require; and if the said Parties do not agree upon the Amount of such Difference, the same shall, on the Request of either Party (Notice being given to the other), be decided by the Surveyor to the Commissioners, and for his Trouble in making such Decision each of the said Parties shall pay to the said Surveyor such Sum, not exceeding One Pound, and to be disposed of for such Purposes of this Act, as the Commissioners shall direct.

Respecting Contracts for Leases.

423. Nothing in this Act contained shall affect any Lease or Agreement for a Lease whereby any Person may be bound to erect Buildings upon any Building Ground within the Burgh, but the Buildings mentioned in such Lease or Agreeement shall be built, according to the Conditions which may be rendered necessary by this Act, in the same Manner as if this Act had been adopted and in operation at the Time of making such Lease or Agreement, and the same had been made subject thereto, and that without either Party being entitled to any Compensation.

PART VI.

SECTION VI.—*Jurisdiction, and Recovery of Penalties.*

Jurisdiction of Magistrates of Police under this Act.

424. The Magistrates of Police of a Burgh under this Act, or any One or more of such Magistrates, shall have Jurisdiction and Power to take cognizance of all Crimes, Offences, Misdemeanors, and Breaches of the Police Regulations herein-before contained, or of any Byelaw made in virtue of the Police Provisions of this Act, and of any other Crime or Offence which is punishable by Public General Statute or Common Law, and is within the Jurisdiction of the Magistrates of any Royal Burgh, and shall have all such and the like Jurisdiction within such Burgh as any Magistrate of a Royal Burgh, or any Dean of Guild of a Royal Burgh, has by the Law of Scotland within

within the Royal Burgh in or for which he acts as such Magistrate or Dean of Guild.

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Magistrates of Police may appoint Procurator Fiscal.

425. It shall be lawful for the Magistrates under this Act to appoint from Time to Time, by Writing and during Pleasure, the Superintendent of Police or other fit Person to be Procurator Fiscal, for the Purposes of this Act, of the Burgh in which they are Magistrates, and such Procurator Fiscal shall within such Burgh have all such and the like Powers and Privileges as by Law appertain to any Procurator Fiscal by the Law of Scotland.

Interim Fiscal.

426. In the temporary Absence of the Procurator Fiscal so to be appointed, occasioned by Indisposition or other Cause, it shall be lawful for the Magistrate of Police presiding in the Police Court to appoint a fit Person to perform ad interim the Duties of such Procurator Fiscal, in the Name of such Procurator Fiscal, or in the Name of the Person so appointed ad interim, and to insist in any Proceedings which may have been commenced in the Name of such Procurator Fiscal.

Forms of Procedure in Police Court.

427. All Actions, Prosecutions, and Proceedings for Crimes and Offences committed within the Burgh, or for the Recovery of Fines, Penalties, Forfeitures, or Expenses under the Police Provisions of this Act, the Mode of recovering which is not herein otherwise provided for, shall be sued for before the Magistrates of Police, in the Police Court, at the Instance of the Procurator Fiscal, to be appointed as herein authorized; and (with the Exception of Complaints against Chain Droppers, Thimblers, loaded Dice Players, and Offenders of that Description,) such Complaint, in all Cases of Theft or of Reset of Theft, or of Falsehood, Fraud, and wilful Imposition, or of Breach of Trust and Embezzlement, shall bear that the Sum of Money or the Value of the Article stolen, resetted, obtained by Falsehood, Fraud, and wilful Imposition, or embezzled, does not exceed Ten Pounds; and it shall not be competent thereafter to the Person accused (except where an Offer shall be made at the Time) to prove that the Money or Article stolen, resetted, obtained, or embezzled exceeded in Value the Sum of Ten Pounds; and the whole Procedure before such Magistrates or any of them shall be conducted summarily, vivâ voce, and without written Pleadings; and no other Record shall be kept of the Proceedings except the Complaint and the Judgment pronounced thereon; and it shall not be competent to any Party who shall appear to answer to any Complaint to plead Want of due Citation, or Informality in the Warrant, Citation, or Execution.

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Forms of Procedure to be framed.

428. The Magistrates of Police, with the Advice and Approbation of the Lord Justice General and the Lord Justice Clerk for the Time being, shall and they are hereby authorized and required, when necessary, to frame Rules and Regulations and Forms of Procedure calculated to despatch such Business in the easiest and most expeditious Manner, and from Time to Time to alter and amend the same, in order that the Provisions of this Act may be carried into full Execution.

Certain Crimes not competent be taken cognizance of in the Police Court.

429. If it shall appear, either in the preliminary Investigation of the Charges against any Person accused of having committed any Crime, Delinquency, or Offence within the Burgh, or during his Trial before the Magistrate, that such Person has been guilty of or is charged with any of the Crimes denominated the Pleas of the Crown, (videlicet,) Murder, Robbery, Rape, and wilful Fire-raising, or with the Crimes of Stouthrief, or of Theft by Housebreaking, or of Housebreaking with Intent to steal, or of Theft to an Amount exceeding Ten Pounds, or of Theft by opening lockfast Places, or of Theft aggravated by being Habit and Repute a common Thief, or by having been twice previously convicted of Theft, or of Reset of Theft, to an Amount exceeding Ten Pounds, or of Reset of Theft aggravated by having been twice previously convicted of that Crime, or of Falsehood, Fraud, and wilful Imposition to an Amount exceeding Ten Pounds, or of Falsehood, Fraud, and wilful Imposition aggravated by having been twice previously convicted of that Crime, or of Breach of Trust and Embezzlement to an Amount exceeding Ten Pounds, or of Breach of Trust and Embezzlement aggravated by having been twice previously convicted of that Crime, or of Assault to the Danger of Life, or of Assault whereby any Limb has been fractured, or of Assault with any Knife or other lethal Instrument where Effusion of Blood has followed, or of Assault aggravated by Two previous Convictions for that Crime, or of Assault with Intent to ravish, or of Attempt at wilful Fire-raising, or of culpable Homicide, or of Forgery, or of uttering forged Bank or Banker's Notes, it shall not be competent for the Procurator Fiscal, or those acting under or for him, to insist in a Prosecution against such Person before the Magistrate, but the Magistrate shall commit the Person accused to Prison for Examination, and the Procurator Fiscal or Superintendent of Police shall forthwith give Notice of such Commitment to the Procurator Fiscal of the County in which the Offence shall be charged to have been committed, in order that such Person may be proceeded against conformably to Law: Provided always, that the aforesaid Provision shall not apply to Chain Droppers, Thimblers, loaded Dice Players, and Offenders of that Description, whom the Magistrate is hereby specially empowered to try and sentence, whatever may be the

the Amount of the Sum specified in the Charge against them, or however often they may have been previously convicted.

Officers or Owners of Property on which Offences are committed may take Offenders into Custody.

430. Any Person found committing any Offence punishable either by Indictment or criminal Libel, or upon summary Conviction, under this Act, may, without a Warrant, be taken into Custody by any Police Constable, or be apprehended by the Owner of the Property on or with respect to which the Offence shall be committed, or by his Servant or any Person authorized by him, and may be detained until he can be delivered into the Custody of a Police Constable, and the Person so arrested shall be taken as soon as conveniently may be before some Magistrate, to be examined and dealt with according to Law; and any Police Constable may search any Premises, and may also stop, search, and detain any Vessel, Boat, Cart, or Carriage in or upon which there shall be Reason to suspect that anything stolen or unlawfully obtained, or fraudulently carried away, may be found, and also any Person who may be reasonably suspected of having or carrying in any Manner anything stolen or fraudulently obtained or carried away.

Horse, Carriage, or Vessel of Persons taken into Custody may be secured.

431. When any Person having charge of any Horse, Cart, Carriage, Vessel, or Boat, or any Animal or Thing, shall be taken into the Custody of any Constable, under the Provisions of this Act, it shall be lawful for any Constable to take charge of such Horse, Cart, Carriage, Vessel, or Boat, or Animal or Thing, and to deposit the same in some Place of safe Custody, as a Security for Payment of any Expenses which may have been necessarily incurred for taking charge of and keeping the same; and unless the same shall be claimed by the Owner, and all Expenses incurred thereon paid, within Four Days after such Detention, it shall be lawful for any Two Magistrates to order the Sale of any such Horse, Cart, Carriage, Vessel, or Boat, or any Animal or Thing, so detained, and the Proceeds of such Sale to be applied towards the necessary Expenses incurred, the Overplus, if any, being paid to the Owner.

Limitation of Police Prosecutions.

432. All Actions, Prosecutions, or Proceedings for Recovery of Fines, Penalties, Forfeitures, or Expenses by virtue of the Police Provisions of this Act shall be commenced within Six Months from the Time the Facts on which such Actions, Prosecutions, or Proceedings were brought shall have been discovered and known, and not thereafter; and if any Party, when called to answer any such Action, Prosecution, or Proceeding, shall not in limine object on the Ground of Misnomer or Informality, it shall not be competent afterwards on such Ground to challenge the Procedure.

 433. Upon

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Superintendent in certain Cases may accept of Bail or Deposit.

433. Upon the Apprehension of any Person charged with any Offence under this Act, or with any Crime which may be competently tried before the Magistrate, it shall be lawful for the Superintendent or other Officer of Police having charge in Absence of the Superintendent to accept of Bail or Deposit that such Person shall appear for Trial before the Magistrate at some Time and Place to be specified, and at all after Diets of Court, and to liberate the Person so apprehended upon Bail being found to an Amount not exceeding Twenty Pounds, or upon the Deposit of any Money or Article of Value to the Amount of the Bail fixed; and the Superintendent or other Officer of Police, if Deposit be accepted, shall enter the same in a Book to be kept for the Purpose, and grant an Acknowledgment for the Money or Article so deposited: Provided always, that the Superintendent or other Officer of Police may refuse, if he see Cause, to accept of Bail in any Shape; and the Refusal to accept Bail or Deposit, and detaining the Person so apprehended until the Case of such Person is tried in the usual Form, shall not subject the Superintendent or other Officer of Police to any Claim for Damages, Wrongous Imprisonment, or Claim of any other Kind whatsoever.

Persons in Custody to be taken before the Magistrate.

434. Every Person who by virtue of this Act shall be taken into Custody, or who shall be detained in Custody, may be detained in the Police Office or Police Cells, and shall be taken before the Magistrate not later than in the course of the first lawful Day after he shall be taken into Custody, such Day not being a Sacramental Fast Day, or a Day set apart for a General Fast; and if the Nature of the Crime or Offence charged shall admit of its being competently tried before the Magistrate under the Provisions of this Act, it shall be lawful for him to grant Warrant to commit such Offender to the Police Cells or to Prison, when remanded for affording Time to find Bail, or for further Examination, or for Trial, such further Examination or Trial always taking place as soon as Circumstances shall permit, and without any unnecessary Delay; or if the Crime or Offence charged shall in the Opinion of the Magistrate merit a higher or greater Punishment than he can lawfully award, it shall be lawful for him at any Stage of the Examination or Trial to commit such Offender to Prison for Examination; or if the Crime or Offence charged, from having been committed beyond the Limits of the Burgh, or from being otherwise excluded from the Jurisdiction of the Magistrate, falls to be tried in another Jurisdiction, it shall be lawful for the Magistrate to commit such Offender to Prison until disposed of according to Law; in either of which last Two Cases it shall be the Duty of the Superintendent of Police to give Notice of such Commitment to the Procurator Fiscal or other proper Officer for the City, County, Burgh, or other Jurisdiction within which the Crime

or

or Offence was committed, in order that such Offender may be further proceeded with according to Law.

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Authority to Officers to cite Parties and Witnesses.

435. This Act shall be a sufficient Authority to the Constables for citing a Party charged with any Offence against the Police Provisions of this Act, or of any Byelaw made in virtue thereof, or at Common Law, and for summoning any Witness to give Evidence in relation to the same; and it shall be deemed a legal Citation of such accused Party or Witness if the Citation be delivered personally, or left at his Dwelling House, or at the Hotel, Inn, Lodging House, or other Place in which he eats and sleeps (if no other Domicile can be found), or in the Shop, Warehouse, Counting-house, or other Place of Business occupied by him, or, in the Case of a Master of or Seaman or Party employed in any Ship or Vessel, in the Hands of a Person on board thereof and connected therewith, which Citation shall state the Nature of the Charge, and the Time and Place of Appearance.

Offenders removing from the Bounds of Police, how to be proceeded against.

436. Warrants granted by the Magistrate for apprehending or citing Persons charged under the Police Provisions of this Act with having committed Crimes and Offences, or for citing Witnesses for the Prosecutor or accused Parties when such Persons or Witnesses are beyond the Jurisdiction of the Magistrates of Police, shall be sufficient for apprehending or citing the Offenders and Witnesses within Scotland, and for conveying such Offenders as shall be taken into Custody in Terms of the Warrant, to be dealt with according to Law, if backed or endorsed by the Sheriff or any Justice of the Peace of the County within which the same shall be so executed: Provided always, that the said Warrants shall be executed against the Persons therein mentioned, and the Witnesses shall be cited by a Constable acting under the Authority of the Police Provisions of this Act.

Examination of Witnesses.

437. Where from the Absence of Witnesses for the Prosecutor in any Complaint, or from any other Cause, it becomes necessary to adjourn the Diet, and where Witnesses for the Accused in such Prosecutions are in attendance, it shall be lawful for the Magistrate, at the Request of the accused Person, and if the Magistrate in the Circumstances shall deem it proper, to take the Evidence of the Witnesses for the Accused before the Proof for the Prosecution has been led or concluded; but the Accused shall in all such Cases be entitled to lead additional Evidence after the Prosecutor's Case has been concluded.

Clause Rr. Penalty for Witnesses not appearing.

438. If any Person who has been duly cited as a Witness to appear before the Magistrate, either on the Part of the Prosecutor or the Person

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Person charged with any Penal or Police Offence, fails to appear at the Time and Place for that Purpose appointed, the Magistrate may grant Warrant to take such Person into and detain him in Custody, or to commit him to Prison until he finds Security to appear and give Evidence, and may also sentence such Person to a Penalty not exceeding Five Pounds, and if it appears that his Noncompliance arose from a Desire on his Part to defeat the Ends of Justice, the Magistrate may sentence such Person to be imprisoned for a Period not exceeding Thirty Days; provided that Proof on Oath be made that he had been duly summoned at least Twenty-four Hours before the Diet of Court.

CLAUSE S s. Penalty for Witnesses refusing to give Evidence.

439. If any Person refuses to be precognosced or to give Information or Evidence touching or concerning the Subject Matter of any Penal or Police Offence, or at any Trial before the Magistrate refuses to be sworn or examined upon Oath, or, in case of a Quaker or other Person privileged by Law, to be examined upon solemn Affirmation, the Magistrate may grant Warrant to commit such Person for any Period not exceeding Thirty Days.

Witnesses prevaricating may be punished summarily.

440. If any Person, when under Examination on Oath or solemn Affirmation before the Magistrate, shall prevaricate or wilfully conceal the Truth, it shall be lawful to the Magistrate, in open Court, and in a summary Manner, to adjudge the Person so offending to Imprisonment for any Term not exceeding Sixty Days, and the Sentence awarding such Imprisonment shall set forth the Nature of such Offence; and if any Person, when under Examination on Oath or solemn Declaration as aforesaid, shall wilfully or corruptly give false Evidence touching any Matter or Thing relating to the Case, or shall wilfully or corruptly swear or affirm any Matter or Thing which shall be false or untrue, although the Evidence be not recorded, every Person so offending, on being duly convicted thereof, shall be subject and liable to such Pains and Penalties as by Law Persons guilty of wilful and corrupt Perjury are liable to; and it shall be lawful to the Magistrate to remit such Person for Trial to a higher Criminal Tribunal, and for that Purpose to grant Warrant for his Imprisonment until disposed of according to Law.

CLAUSE T t. In default of paying Fines Parties to be imprisoned.

441. The Magistrate may sentence any Person found liable in a pecuniary Penalty to Imprisonment until the same is paid, but in no Case shall the Period of Imprisonment for Nonpayment exceed Sixty Days.

Power to order Offenders to find Cautionment or Fine;

442. It shall be lawful for the Magistrate, in lieu of any Punishment by Imprisonment or Fine, to ordain any Offender to find Caution for

for good Behaviour or for keeping the Peace for any Period not exceeding Twelve Months, and under a Penalty not exceeding Twenty Pounds, and to sentence the Person ordained to find such Caution to be imprisoned till Caution be found; but in no Case shall 5 the Period of Imprisonment exceed Sixty Days.

or to find Caution in addition to Imprisonment or Fine.

443. It shall be lawful for the Magistrate, in addition to any Punishment by Imprisonment or Fine, to ordain the Offender to find Caution as aforesaid from and after the Expiry of the Term of Imprisonment, or from and after the Payment of the Fine or pecuniary 10 Penalty specified in the said Sentence, or from and after the Expiry of the Term of Imprisonment for Nonpayment thereof; and in case such Caution shall not then be found, it shall be lawful to sentence the Person ordained to find such Caution to be further detained in Prison beyond the Expiry of the said Term of Imprisonment until 15 such Caution be found; but in no Case shall the whole Period of Imprisonment, including the Period of Detention for not finding such Caution, exceed Ninety Days.

Warrant of Commitment.

444. In all Cases where Imprisonment takes place under the Powers of the Police Provisions of this Act, a short Extract of the 20 Charge and Sentence, certified by the Clerk of the Police Court or his Depute, shall be a sufficient Warrant of Commitment: Provided always, that any Person sentenced to Imprisonment in consequence of Nonpayment of any pecuniary Fine, Penalty, Forfeiture, or Expenses, or for Want of Caution being found, or otherwise, may be 25 detained in the Police Office or Police Cells for a reasonable Time to allow of such Extract being made, such Time not exceeding in any Case Twelve Hours.

Offenders may be punished summarily for Contempt of Court.

445. In Cases of Contempt of Court, or of resisting, assaulting, or obstructing the Officers of the Law when in attendance on the 30 Police Court, it shall be competent for the Magistrate, either of his own Motion summarily, and without the Necessity of a Complaint or other Procedure, to punish the Offender by a Written Sentence, specifying the Offence, and inflicting a Fine not exceeding Three Pounds, or Imprisonment for any Period not exceeding Twenty Days, 35 or to direct the Offender to be prosecuted after the ordinary Form at the Instance of the Procurator Fiscal, in which Case the same Forms shall be observed and the same Punishment may be inflicted as in the Case of Offences before the Magistrate: Provided always, that when the Magistrate proceeds to punish summarily he shall cause a 40 Record to be kept containing a Statement of the Facts which have led to such Punishment.

PART VI. Powers and Remedies. Sect. 6.

Police Officers may be dismissed by the Magistrate.

446. It shall be lawful for the Magistrate, without the Necessity of any Complaint, to direct the Superintendent of Police to dismiss any Constable under him whose Conduct in any Proceedings that shall form the Subject of Investigation before the Magistrate shall, in the Opinion of the Magistrate, render such Constable unfit to be any longer retained in the Police Establishment, and such Constable shall be dismissed accordingly.

Proceedings not to be void for Want of Form, and Judgments to be final.

447. No Order, Judgment, Record of Conviction, or other Proceeding whatsoever, concerning any Prosecution instituted before the Magistrate by virtue of this Act, shall be quashed or vacated for any Misnomer or Informality; and all Judgments and Sentences pronounced by the Magistrate shall be final and conclusive, and not subject to Suspension, or Advocation, or Appeal, or any other Form of Review or Stay of Execution, unless on the Ground of Corruption, Malice, or Oppression on the Part of the Magistrate, or of such Deviations in point of Form from the statutory Enactments as the Court of Review shall think took place wilfully, or of Incompetency, including Defect of Jurisdiction of the Magistrate; and such Suspension, or Advocation or Appeal, or Review or Stay of Execution, must be presented to the High Court of Justiciary within Fourteen Days after the Date of the Sentence complained of.

No Suspension or Stay of Execution, &c. to prevent Payment of Penalties.

448. Such Suspension, or Advocation or Appeal, or Review or Stay of Execution, shall not operate as a Suspension or Stay of Execution of any Order or Sentence of the Magistrate requiring the Payment of any Penalty, unless on Consignment thereof in the Hands of the Treasurer, nor of any Order or Sentence of the Magistrate awarding Imprisonment, unless on sufficient Caution to the Satisfaction of the Magistrate for the Appearance of the Person appealing, at such Time and Place as he shall direct; and in all Cases of Prosecution before the Magistrate under this Act it shall be lawful for the Magistrate whose Sentence shall be brought under Review in another Court to authorize the Expenses incurred in the Proceedings in such other Court to be defrayed out of the Police Assessment authorized to be levied by this Act: Provided always, that at the first Meeting of the Commissioners after any such Sentence shall have been brought under Review as aforesaid the Procurator Fiscal shall make a Report of the Facts and Circumstances of the Prosecution on which any such Sentence shall have been pronounced and brought under Review, and the Commissioners shall thereupon direct such Sentence so brought under Review to be defended or not, as to them shall seem proper; and if they shall direct such Sentence not to be defended, then no Expenses incurred in defending such Action subsequent to such General Meeting shall be defrayed out of the said Assessment.

449. All

Fines to be paid to the Clerk.

449. All Forfeitures, Penalties, Fines, and Expenses imposed by the Magistrate, and recovered, shall be paid to the Clerk, and shall be accounted for by him once every Month, or at such other Time or Times as the Commissioners may direct, to the Collector, to be disposed of as herein mentioned; and the Procurator Fiscal is hereby directed, on the First Monday of every Month, to intimate to the Collector the Amount of the Forfeitures, Penalties, and Fines imposed in the previous Month.

Application of Penalties.

450. The whole Forfeitures, Penalties, and Fines imposed by the Magistrate, and paid to the Clerk, shall be applied in Payment of the Expenses incurred in alimenting Prisoners detained in Custody in the Police Office or Station Houses: Provided always, that if such Forfeitures, Penalties, and Fines shall not be sufficient for these Purposes, whatsoever further Sum may be required shall be paid from the Police Assessment; and if such Forfeitures, Penalties, and Fines shall be more than sufficient for these Purposes, the Surplus shall be applied to the same Purposes as the Police Assessment

For Recovery of forfeited Bail Bonds and Bonds of Caution.

451. When any Person shall be apprehended, and afterwards liberated on finding Bail for his Appearance, and shall fail to appear, or when any Person who shall have found Caution for good Behaviour or for keeping the Peace as aforesaid shall commit a new Offence inferring Forfeiture of such Caution, it shall be lawful for the Magistrate, on Complaint by the Procurator Fiscal in the Police Court as aforesaid, to declare the Sum contained in the Bail Bond or Bond of Caution to be forfeited, and to order the Cautioner to be summoned to make Payment thereof to the Clerk within Six Days after the Date of such Summons, and in default of such Payment, after the Lapse of such Period, to grant Warrant for apprehending and imprisoning the Cautioner till the said Sum be paid, but which Period of Imprisonment shall not exceed Thirty Days from the Time of Incarceration, and after such Imprisonment no further Procedure against the Cautioner shall be competent on the Bond; and when any Money or other Article shall be deposited by any Person as a Security for his Appearance, and such Person shall fail to appear, it shall be competent to the Magistrate to declare such Deposit to be forfeited; and if it be Money, it shall be forthwith ordered by the Magistrate to be paid to the Clerk; and if it be not Money, such Article so deposited shall be ordered by the Magistrate to be sold by Public Auction, and the free Proceeds shall be paid to the Clerk, and in both Cases accounted for by him, along with the Forfeitures, Penalties, and Fines to the Collector, and applied in the same Way and Manner as Forfeitures, Penalties, and Fines are by the Police Provisions of this Act directed to be applied.

 452. Any

PART VI. Powers and Remedies. Sect. 7.

Cautioners in Bonds.

452. Any Bail Bond or Bond of Caution, the Cautioner in which is unable or shall declare he is unable to subscribe his Name, shall be valid and effectual if such Cautioner shall adhibit to such Bond his Mark, in Presence of Two Witnesses, who shall subscribe the said Bond in testimony thereof. 5

Clerk of Police Court.

453. The Commissioners shall appoint a proper Person to be Clerk of the Police Court, who shall hold Office only during their Pleasure, and such Person may be the same Person who is Clerk to the Commissioners, and such Person may appoint, by a Writing under 10 his Hand, a Depute, for whom he shall be responsible; and such Depute shall be invested with all the Powers appertaining to the Office of Clerk of the Police Court: Provided always, that the Commissioners shall fix the Salary to be paid to such Clerk.

Where any Act or Decision, &c. declared final, the same shall not be reviewable.

454. Wherever any Act, Decision, Determination, Declaration, or 15 Deliverance of any Sheriff or Magistrate, or Preses of a Meeting, Commissioner or Commissioners, or other Person whatever, is by this Act declared to be final, the same shall not be subject to be set aside or reviewed or affected by any Court or Judicature, upon any Ground or in any manner of way whatever. 20

Jurisdiction of Sheriffs and Courts of Guild to be preserved.

455. No Jurisdiction conferred by this Act shall be held to exclude the Jurisdiction of any Sheriff or Court of Guild, where the Case shall in the first instance have been brought before or taken up by such Sheriff or Court of Guild.

PART VI. 25

Municipal Establishments of Burghs and Billet Masters.

SECTION VII.—*Municipal Establishments of Burghs and Billet Masters.*

Burghs maintaining Police to be exempted from County Assessment.

456. No Burgh in which the Police Provisions of this Act are adopted shall be liable for any Assessment for the Police Purposes of the County in which such Burgh is situated, anything in any Act or 30 Acts of Parliament to the contrary notwithstanding.

Assessments in Parliamentary Burghs having no Revenues.

457. It shall be lawful for the Magistrates and Councils of Parliamentary Burghs in which there are no Means or no adequate Means of defraying the necessary Expenses of their Municipal Establishments, and other Expenses attending the Administration of the Affairs 35 of such Burghs respectively, to assess all Occupiers of Premises within such Burghs respectively valued at Five Pounds or upwards of yearly Rent in the Sums necessary for defraying the Expenses of such

such Municipal Establishments and Administration as aforesaid, but in no Case to an Amount exceeding Threepence in the Pound of the yearly Rent of such Premises; and such Assessment shall be imposed, levied, and recovered in such and the like Manner, from the same Descriptions of Persons and Property, and under the like Provisions and Exceptions, as the Police Assessment leviable under the Provisions of any Local Act, or of the Thirteenth and Fourteenth Victoria, Chapter Thirty-three, if in force in such Burgh, or under this Act is authorized to be imposed, levied, and recovered by the Commissioners.

Part VII. Nuisances Removal.

458. It shall be lawful for the Magistrates of Burghs, and they are hereby authorized and required to appoint a Billet Master or Billet Masters for the Purpose of regulating the quartering of Soldiers as the Law directs; and such Billet Masters shall be removed at the Pleasure of such Magistrates, and be subject always to such Regulations as they shall think proper to establish for the due Performance of the Duties of the Office; and the Commissioners shall and may fix such Salaries for such Billet Masters as they shall think fit.

Billet Master to be appointed.

PART VII.

Promotion of the Public Health.

Amendment of the Act passed in the Nineteenth and Twentieth Years of the Reign of Her present Majesty, intituled "An Act "to make better Provision for the Removal of Nuisances, Regis- "tration of Lodging Houses, and the Health of Towns in "Scotland."

459. The Commissioners of Police of Burghs shall, within the Limits of their respective Jurisdictions, be the Local Authority for the Purposes of "The Nuisances Removal (Scotland) Act, 1856," anything in the said Act notwithstanding.

Commissioners of Police of Burghs to be Local Authority.

460. The Power of Entry given by the Ninth Clause of the said recited Act to the Local Authority or Inspector shall include not only the Superintendent of Police but the Medical Officer of the Parish, or such other Officers as the Local Authority may desire to accompany them to inspect any private Premises where the Local Authority or Inspector of Nuisances have reasonable Grounds for believing that Nuisance exists.

Power of Entry to include Superintendent of Police, Medical Officer, and others.

 461. The

PART VII. Nuisances Removal.

Decree to prevent overcrowding of common Tenements, and Watercloset Accommodation may be ordered

461. The Eleventh Clause of the said recited Act is hereby amended to this Extent, that the Decree therein mentioned shall also, if the Case requires it, ordain the Owner of any inhabited House, Building, or Part thereof which has been rendered unwholesome or unfit for Human Habitation by and through its being overcrowded, as the Author of such Nuisance, to limit the Number of separate Dwellings into which such common Tenement or Part thereof may be divided, or let to or for the Use of separate Families, and the Number of Persons who may be accommodated in such common Tenements, or such Parts thereof which may be let to or for the Use of separate Families; and the Word "Nuisances" under the said Act shall include "any overcrowding of an inhabited House, "Building, common Tenement, or Part thereof, insufficient in Size "for the Number of Persons inhabiting the same;" and the said Decree shall also, if the Case requires it, ordain the Owner, as the Author of the Nuisance, to provide sufficient Watercloset Accommodation (in lieu of Privy Accommodation) for the separate Use of the Sexes of the Inmates of such common Tenement or Parts thereof.

Water not to be fouled by any Person.

462. The Nineteenth Clause of the said recited Act is hereby amended to this Extent, that any Person who shall wilfully do or permit to be done any Act whereby the Water in any Stream, Reservoir, Aqueduct, Pond, or Place constructed for the Supply of Water for domestic Purposes shall be fouled, shall forfeit for every such Offence a Sum not exceeding Fifty Pounds.

Sheriff may supersede Consideration of Complaint to permit regular Drainage Works to be carried out under Police Acts.

463. The Forty-third Section of the said Act is hereby amended to this Extent, that it shall be lawful to the Sheriff to supersede the Consideration, for such Time as he shall see proper, of any Complaint directed under the said Forty-third Section of the said Act, against the Commissioners of any Burgh which has adopted this Act, if he shall deem such just, to enable the Commissioners to carry out a regular System of Drainage under any General or Local Act, in order the better to remove any Nuisance for the Removal of which Drainage Works are necessary.

Sheriff may grant Warrant for Recovery of Penalties and Expenses, and for Imprisonment if not paid.

464. The Forty-fourth Section of the said recited Act is hereby amended to this Extent, that the Sheriff may, without Prejudice to any other Remedy under the said Act for the Recovery of Penalties, grant Warrant for the Recovery of the Penalties and Expenses decerned for, and, failing Payment thereof by the Party convicted within Eight Days after Conviction, for his Imprisonment, for a Period, in the Discretion of the Sheriff, not exceeding Sixty Days.

465. The

PART VII. Nuisances Removal.

CLAUSE Uu. Offensive Trades to be subject to Regulations.

465. The Business of a Blood Boiler, Bone Boiler, Tanner, Slaughterer of Cattle, Horses, or Animals of any Description, Soap Boiler, Tallow Melter, Tripe Boiler, or other noxious or offensive Business, Trade, or Manufacture, shall not be newly established in 5 any Building or Place within the Burgh without the Consent of the Commissioners; and any Person contravening this Enactment shall be liable for each Offence to a Penalty of Fifty Pounds, and a further Penalty of Forty Shillings for each Day during which the Offence is continued; and the Commissioners may from Time to Time make 10 such Byelaws with respect to any such Businesses so newly established as they may think necessary, and in order to prevent or diminish the noxious or injurious Effect thereof.

Act may be incorporated, either in whole or in part, with any future Act.

466. Any of the Enactments of this Act may be incorporated, in whole or in part, with any Act to be passed in the present or any future 15 Session of Parliament; and for the Purpose of incorporating Part only of this Act with any Act hereafter to be passed, it shall be sufficient to describe the Part of this Act by a Reference to the Parts, Sections, or Clauses thereof, and to enact that the Parts, Sections, or Clauses so described, or that this Act, with the Exception of the 20 Parts, Sections, or Clauses so described, shall be incorporated with such Act, and thereupon all the Parts, Sections, or Clauses of this Act so incorporated shall, save so far as they are expressly varied or excepted by such Act, form Part of such Act, and such Act shall be construed as if such Parts, Sections, or Clauses were set forth 25 therein with reference to the Matter to which such Act relates.

SCHEDULES to which this Act refers.

SCHEDULE (A.)

Notice is hereby given, That in virtue of the Powers contained in an Act passed in the Year of the Reign of Her Majesty Queen Victoria, intituled "An Act" [*specify this Act*], the Householders in the Burgh of [*or, where the Boundaries have been ascertained by Proceedings under this Act*, within the Boundaries following, viz., *repeat them as in the recorded Deliverance of the Sheriff*,] of the yearly Rent or Value of £10 [*or* £6 *as the Case may be*] or upwards, are hereby required to meet upon the Day of next, at of the Clock, within , when the said Act shall be laid before the Meeting, with a view of adopting it in whole or in part.

Dated at , the Day of 18 .

(Signed) *E.F.*, Chief or Senior Magistrate, *or* Sheriff [*as the Case may be*].

SCHEDULE (B.)

Form of the Book to be used at the Meeting for resolving whether this Act shall come into operation.

Adopt, or not, the Provisions of Act, in so far as respects					Qualifications of Voters.	Names of Voters.

SCHE-

SCHEDULE (C.)

Form of the Book to be used in the Election of Commissioners.

Names and Designations of Commissioners voted for.		Qualifications of Electors.	Names of Electors.
1.	2.		

SCHEDULE (D.)

Attestation by Collector, Application to Sheriff or Magistrate, and Warrant, to be written at the End of each Volume of the Roll or Book of Assessment.

(1.) *Attestation by Collector.*

I *A.B.* Collector of Police Assessments for the Burgh of do hereby certify, That this is the [First, Second, *or* Third, *as the Case may be*,] Volume of the Books of Assessments according to which the Police Assessments are leviable from the Persons and others therein named, for the Year from to ; that the said Assessments became due and payable on the Day of ; that certain of the Persons and others assessed in the said Book have failed to pay the said Assessments on or before the said Day of , notwithstanding of the same having been demanded from them by printed Notices from me, delivered to or left for them on the Premises assessed; and that the Persons and others named in this Volume who have so failed to pay the said Assessments are those against whose Names respectively the Charges in this Volume remain unpaid or otherwise undischarged at this Date.

A.B. Collector.

[*Place and Date.*]

(2.) *Application to Sheriff.*

To the Honourable [the Sheriff of the County of , *or* his Substitute, *or* the Magistrates of Police of the Burgh of , *or* the Magistrates of the Burgh of , *as the Case may be.*]

The Petition of *A.B.*, Collector of Police Assessments for the Burgh of ,

Humbly sheweth,

That by the Act [*or* Acts] of Parliament [*here refer to them*] certain Police Assessments are authorized to be levied in the Burgh of .

That, in Terms of said Act [*or* Acts,] Assessment Books for levying the said Assessments for the Year from to were made up and delivered to the Petitioner, in order to his levying and collecting the Sums set opposite the Names of the Persons and others respectively therein entered, of which Assessment Books this is the Volume.

That the said Assessments became due and payable on the Day of 18 .

That by the Attestation of the Petitioner, hereunto prefixed, it appears that certain of the Persons so assessed have failed to pay the said Assessments on or before the said Day of 18 , notwithstanding of the same having been demanded from them

them by printed Notices from the Petitioner, delivered to or left for them on the Premises assessed, and that the Persons named in this Volumne who have so failed to pay are those against whose Names respectively the Charges in this Volume remain unpaid or otherwise undischarged at the Date of the said Attestation.

That the said Persons who have failed to pay the Police Assessments charged against them, or any Portion thereof, have incurred, in addition, a Penalty of One Penny upon each Pound of the Rental of the Premises in respect of which they are assessed, in Terms of the said Act [*or* Acts] [*here refer to them*].

That in these Circumstances it becomes necessary to apply to your Lordship [*or* Honours] for Warrant to the following Effect:—

May it therefore please your Lordship [*or* Honours] to grant summary Warrant against the Persons who have failed in Payment as aforesaid, for Recovery of the said Assessments so remaining unpaid, and Penalty foresaid, and to authorize Messengers-at-Arms and Officers of Court to enter the Houses or other Premises of the Persons who have failed in Payment as aforesaid, and to seize, take possession of, and remove so much of the Goods and Effects therein as shall appear to such Messenger or Officer to be sufficient for satisfying out of the Proceeds of the Sale thereof the said Assessment, remaining unpaid, and Penalty, with the Costs and Charges incurred or to be incurred in carrying into execution the Warrant which may be granted hereon against said Persons respectively; and to authorize the said Messenger or Officer, if the said Assessments and Penalty, together with said Costs and Charges, shall not be paid within Three Days next after Seizure is made, as aforesaid, forthwith to sell the said Goods and Effects so seized by Public Roup, either on the Premises in which the same were so seized, or at the Market Cross of the said Burgh, or in such other Place as your Lordship [*or* Honours] may appoint, returning the Surplus of the Price, if any be, after Payment of the said Assessments and Penalty, together with the Costs and Charges incurred in carrying the said Warrant into execution, and of such Sale, to the Owner of the said Goods and Effects.

(Signed) *A.B.* Collector.

(3.) *Warrant.*

(*Date*) . The Sheriff *or* Sheriff Substitute, Magistrate of Police, *or* Magistrate, [*as the Case may be*] having considered the foregoing Application and Attestation, grants Warrant as craved.

(Signed) *C.D.*

SCHEDULE (E.)

Name of Burgh _____.

SPECIAL SEWER RATE [*or* GENERAL SEWER RATE and PRIVATE or GENERAL IMPROVEMENT ASSESSMENT, *as the Case may be*].

Description of Subjects.	Name of Owner.	Name of Occupier.	Rental.	Rate or Assessment due and chargeable at						
				15 May 18 .	15 May 18 .	15 May 18 .	15 May 18 .	15 May 18 .	15 May 18 .	15 May 18 .
General Sewer Rate - -										
Special Sewer Rate - -										
Private Improvement Rate -										

Date _____.

A.B., Collector.

Police and Improvement (Scotland).

A

BILL

[AS AMENDED IN COMMITTEE]

To make more effectual Provision for regulating the Police of Towns and populous Places in Scotland, and for lighting, cleansing, paving, draining, supplying Water to and improving the same, and also for promoting the Public Health thereof.

(*Prepared and brought in by*
Sir William Dunbar, The Lord Advocate, and
Sir George Grey.)

Ordered, by The House of Commons, *to be Printed,*
22 *May* 1862.

[Bill 133.]

Under 24 *oz.*

LORDS AMENDMENTS

TO THE

POLICE AND IMPROVEMENT (SCOTLAND) BILL.

Note.—*The Page and Line refer to the Bill* (142.) *as printed by the Lords.*

Page 3.

Line 3. Leave out ("Three") and insert ("Seven")

Line 18. } Leave out ("Party") and insert ("Person")
Line 20. }

Leave out Line 21.

Line 23. After ("and") insert ("except as regards the fixing and extending the Boundaries of Burghs and populous Places")

Line 27. After ("adopted") insert ("and Trustees of Police shall include Trustees of any Town exercising the Functions of Police Commissioners under any Local Act")

Page 4.

Line 4. After ("any") insert ("Harbour"), in same Line leave out the Second ("or,") and after ("Wharf") insert ("Towing-path or Bank")

Line 6. After ("any") insert ("Harbour")

Line 7. Leave out the Second ("or") and after ("Wharf") insert ("Towing-path or Bank")

Line 17. Leave out ("Commissioners") and insert ("Commissioner")

Line 33. Leave out ("thereof")

Line 42. Leave out from ("Rags") to the End of the Clause.

Page 5.

Line 9. Leave out ("the") and insert ("this")

Line 28. After ("Deliverance") insert ("unless appealed against as herein-after provided")

Line 37. After ("aforesaid") insert ("Provided always, that it "shall be lawful for any Landowner or Householder "who considers himself aggrieved by the Deliverance "of the Sheriff to appeal within Fourteen Days from "the Date thereof from the said Deliverance of the "Sheriff to One of Her Majesty's Principal Secre-"taries of State by a written Appeal setting forth

" the Grounds on which he disputes the Sheriff's
" Deliverance, and it shall be lawful for any of Her
" Majesty's Principal Secretaries of State upon such
" Appeal to direct Inquiry into the Circumstances
" of the Case, and to issue such Order thereupon as
" he may deem requisite to determine the Boundaries
" of such Burgh, and such Order shall be final, and
" when recorded along with the Appeal on which
" it proceeds in the Sheriff Court Books of such
" County shall fix and determine the Boundaries of
" such Burgh for the Purposes of this Act.")

Page 6.

Line 10. After ("Deliverance") insert ("unless appealed against
" in manner herein provided")

Line 14. At the End of the Clause, insert ("Provided always,
" that it shall be lawful for any Landowner or
" Householder who considers himself aggrieved by
" the Deliverance of the Sheriff to appeal from such
" Deliverance to One of Her Majesty's Principal
" Secretaries of State, in manner as is above provided
" in regard to the Boundaries of other Burghs,
" whose Order shall in that Case be final, and when
" recorded in manner foresaid shall fix and determine
" the Boundaries of such populous Place for the
" Purposes of this Act.")

Line 36. After ("aforesaid") insert ("it shall be lawful for")
and in same Line leave out ("shall")

Line 38. Leave out ("re-extend") and insert ("extend")

Line 42. After ("Deliverance") insert ("unless appealed against
" in manner herein provided")

Page 7.

Line 4. After ("allowed") insert ("Provided always, that it
" shall be lawful for any Landowner or Householder
" who considers himself aggrieved by any Deliverance
" of the Sheriff to appeal from such Deliverance to
" One of Her Majesty's Principal Secretaries of
" State in manner herein-above provided, whose
" Order shall in that Case be final, and when
" recorded in manner foresaid shall fix and deter-
" mine the Boundaries of such Burgh for the Pur-
" poses of this Act.")

Line 22. Leave out ("as") and insert ("who")

Line 36. Leave out ("Burghs") and insert ("Burgh")

Line 39. Leave out ("no") and insert "not"

Line 40. Leave out ("again")

Page

Page 8.

Line 4. After (" Petition ") insert Clauses (A.) and (B.)

Clause (A.) Where this Act or the first-recited Act shall have been adopted, in whole or in part, within a Portion only of the Territory comprehended within the Parliamentary or Municipal Boundaries of any Burgh, the Commissioners of Supply of the County within which such Burgh is situate may, at any Meeting, authorize and direct a Petition to be presented to the Sheriff of such County praying him to extend the Boundaries within which this Act or the first-recited Act shall have been so adopted, so as to be co-extensive with the Parliamentary or Municipal Boundaries of the said Burgh.

Clause (B.) The Sheriff shall, after the Presentation of the said Petition, order Intimation thereof to be given by public Advertisement in such Manner as he shall think proper; and it shall be competent for the Magistrates and Council or other Municipal Authorities of the Portion of the said Burgh within which this Act or the first-recited Act shall have been adopted as aforesaid, or for any Seven or more Householders within the Remainder of the said Parliamentary or Municipal Boundaries, to appear and object to the Prayer of the Petition, and the Sheriff shall have Power in a summary Way to dispose of such Objections after such Inquiry as to him shall seem meet; and the Judgment of the Sheriff granting the Prayer of such Petition, or sustaining the Objections to the same, shall be final and conclusive; provided that if the Objections be sustained a renewed Application to the same Effect may be presented at any Time not less than Two Years thereafter; provided also, that if the Prayer of the Petition be granted, it shall be recorded in the same Manner and have the same Effect as if it had been granted on the Application of the Magistrates and Council under the Provisions herein-before contained.

Line 7. After (" Commissioners ") insert (" or Trustees ")
Line 21. After (" the ") insert (" said ")
Line 28. After (" Commissioners ") insert (" or Trustees ")
Line 29. After (" in ") insert (" the ")

Page 9.

Line 3. After (" Commissioners ") insert (" or Trustees ")
Line 4. After (" Commissioners ") insert (" or Trustees ")
Line 6. After (" Commissioners ") insert (" or Trustees ")
Line 11. After (" Commissioners ") insert (" or Trustees ")
Line 15. After (" Commissioners ") insert (" or Trustees ")
Line 20. Leave out (" but ") and insert (" and ")
Line 24. After (" Commissioners ") insert (" or Trustees ")
Line 25. After (" Local ") insert (" Police ")
Line 34. After (" any ") insert (" such ")

Page 11.

Line 2. Leave out (" of Police ")

Page 13.

Line 10. Leave out ("Day of the")

Page 14.

Line 7. After ("Local") insert ("Police")

Line 15. After ("any") insert ("such")

Line 23. Leave out ("unanimously")

Page 15.

Line 43. Leave out ("as") and insert ("which")

Page 16.

Line 24. After ("Commissioners") insert ("or Trustees")

Line 27. After ("Commissioners") insert ("or Trustees")

Line 34. Leave out ("but") and insert ("and")

Line 35. After ("Commissioners") insert ("or Trustees")

Page 17.

Line 4. Leave out ("of Police")

Line 6. Leave out ("within") and insert ("in the suburban "Part or Parts of")

Lines 15 and 17. Leave out ("of Police")

Line 18. At the End of the Clause add ("Provided always, that "such Exemption shall only be made upon the Application or with the Consent of the Owners or "Occupiers of the Lands and Premises situated "within such Part or Parts of the Burgh so to be "exempted, the Rent or Value of which shall "amount to Two Thirds of the Rents or Value of "the whole Lands and Premises therein, but not "otherwise; and it shall be lawful for any Person "who thinks himself aggrieved thereby to appeal to "the Sheriff in manner after provided.")

Page 20.

Line 1. Leave out ("and")

Page 21.

Line 32. Leave out ("The whole") and insert ("All the")

Page 22.

Line 38. Leave out from ("appoint") to ("at") in Page 23, Line 2.

Page 23.

Line 3. After ("Surveyors") insert ("Inspectors")

Page 24.

Line 38. Leave out ("said")

Page 25.

Line 32. At the Beginning of the Clause insert ("except as "herein-after specially provided")

Page 27.

Line 10. After ("Council") insert ("or Commissioners of "Police")

Line

Line 31. Leave out (" Burghs ") and insert (" Burgh ")

Page 28.

Line 24. Leave out (" or ")

Line 25. After (" thousand ") insert (" or Twenty-nine to a " Thousand in a Population of Three hundred " thousand ")

Line 26. Leave out (" and others ")

Line 40. Leave out (" Board ") and insert (" Lords ")

Page 29.

Line 5. Leave out (" public ")

Line 8. Leave out (" Board ") and insert (" Lords ")

Line 27. Leave out (" Board ") and insert (" Lords "), and " leave out (" Majesty in ") and insert (" Majesty's " Privy ")

Line 31. Leave out (" Board") and insert (" Lords ")

Line 35. Leave out (" Board ") and insert (" Lords of Her " Majesty's Privy Council ")

Page 34.

Line 42. Leave out (" at present ")

Page 35.

Line 29. Leave out the second (" to be ")

Page 37.

Line 20. After (" Rate ") insert (" and ")

Line 27. After (" Creditors ") insert (" Provided always, that " nothing herein contained shall affect the Rights " and Remedies of Superiors for the Recovery of " their Feu Duties and Casualties ")

Page 40.

Line 2. Leave out (" Officers ") and insert (" Officer ")

Line 19. After (" Commissioners ") insert (" of Burghs autho- " rized by this Act to maintain Constables ")

Line 25. Leave out the first (" the ") and insert (" such ")

Line 31. At the End of the Clause add (" Provided always, that " no Burgh to be established in virtue of this Act " shall be entitled to maintain Constables in Terms " of this Act unless the Population of such Burgh " shall, according to the last Census for the Time " being, amount to Seven thousand or upwards, it " being, hereby declared that the true Intent and " Meaning of this Act in that respect is that all " such Burghs shall, in regard to Constables, be " subject to or regulated by the County Police Act " Twentieth and Twenty-first of Victoria, Chapter " Seventy-two, anything in this Act to the contrary " notwithstanding.")

Page 42.

Line 23. After ("in") insert ("or after long Service be unfitted "for")

Line 31. Leave out ("Sheriff or any")

Page 43.

Line 7. After ("and") insert ("is")

Line 7. Leave out ("the Sheriff or")

Line 11. Leave out ("Sheriff or")

Line 12. Leave out ("lawfully")

Page 44.

Lines 16 and 17. Leave out ("Three Months") and insert ("Sixty Days")

Line 36. Leave out ("is") and insert ("are")

Page 45.

Line 38. At the End of the Clause add "Provided always, that "it shall be lawful for any Landowner or House-"holder whose Property may be affected or who "thinks himself thereby aggrieved to appeal to the "Sheriff in manner after provided."

Page 46.

Line 15. Leave out ("Provided always, that the doing so") and insert ("but so that such Erection")

Line 20. Leave out ("other Party") and insert ("Person")

Line 27. Leave out ("Company or")

Page 48.

Line 1. } Leave out ("Magistrates") and insert ("Commis-
Line 10. } "sioners")

Line 28. Leave out ("dry Lime, Rubbish, or")

Page 51.

Line 12. Leave out ("said")

Line 32. Leave out the Second ("or")

Line 32. After ("maintaining") insert ("or cleansing")

Line 36. Leave out the Second ("or") and after ("maintain") insert ("or cleanse")

Page 52.

Line 31. After ("may") insert ("at a Meeting to be held for "the Purpose resolve to")

Line 40. After ("shall") insert ("also")

Page 53.

Line 1. After ("to") insert ("resolve to")

Line 5. Leave out ("Assessment") and insert ("Rate")

Line 20. After ("Consolidation") insert ("Scotland")

Line 22. Leave out ("Assessment") and insert ("Rate")

Page 57.

Line 18. Leave out ("and")

Line 28. } Leave out ("Street or")
Line 37. }

Line

Line 40. Leave out ("Width of Streets, and to the")
Line 41 and Page 58, Line 1. Leave out ("Street or")

Page 58.
Line 2. Leave out ("have been") and insert ("be")
Line 29. Leave out ("on") and insert ("from")

Page 59.
Line 4. Leave out ("applied") and insert ("adopted")

Page 60.
Line 1. Leave out ("herein") and insert ("in this Act")
Line 42. After ("Consolidation") insert ("Scotland")

Page 65.
Line 40. Leave out ("and Occupier")

Page 66.
Line 3. After ("may") insert ("at the Expense of such Owner")

Page 82.
Line 19. After ("who") insert ("in any "Street" or "Private "Street" to the Obstruction, Annoyance, or Danger "of the Residents or Passengers")
Line 34. Leave out ("in any Street, public or private")
Line 37. Leave out from the first ("or") to ("exhibits") in Line 38.
Line 39. Leave out ("who in any such Street")

Page 83.
Line 18. Leave out ("elsewhere than in a Slaughter-house")

Page 84.
Line 5.
Line 7. } Leave out ("in any such Street")
Line 37.

Page 86.
Line 1.
Line 3.
Line 6. } Leave out ("in any such Street")
Line 10.
Lines 16 and 17. Leave out ("to the Annoyance or Danger of "the Residents or Passengers")
Line 33. Leave out ("such")

Page 88.
Line 12. Leave out ("Seven") and insert ("Fourteen")
Leave out Clause 255.

Page 92.
Line 17. Leave out ("Sheriff or")

Page 106.
Line 22. Leave out ("the Sheriff or")

Page 114.
Line 23. Leave out ("Penal Offence, or any Police")

Page 115.

Line 5. After (" purchase ") insert (" or receive in Pawn ")

Lines 6 and 7. Leave out (" or who shall receive any Article in Pawn ")

Page 117.

Line 14. After (" Owners ") insert (" and Occupiers ")

Line 15. After (" Premises ") insert (" where any Fires shall " happen ")

Line 15. Leave out from (" just ") to the End of the Clause, and insert (" not exceeding in the whole Fifteen " Pounds, or whatever less Sum is equal to One " Half of the actual Expenses of extinguishing any " such Fire ")

Line 23. After (" Owner ") insert (" and Occupier ")

Line 24. After (" Case ") insert (" jointly ")

Line 28. After (" Owner ") insert (" or Occupier ")

Page 120.

Line 40. After (" Superintendent ") insert (" Surveyor ")

Page 125.

Line 2. Leave out from the Second (" the ") to the End of the Clause, and insert (" Expiration of such Month a " Remonstrance in Writing by Seven or more House- " holders against carrying into effect such Resolution " or any Part thereof be lodged with the Commis- " sioners, such Resolution, or such Part thereof as " such Remonstrance applies to, shall not be carried " into effect unless confirmed by a Majority of the " Householders qualified and voting at the Poll to " be taken thereanent; and upon such Remonstrance " being lodged as aforesaid the Commissioners, or " the Chief or Senior Magistrate of such Burgh, " shall be bound to direct a Poll to be taken in the " Manner prescribed in regard to Polls of House- " holders taken with reference to the Adoption of " this Act; and the whole Enactments and Pro- " cedure provided in regard to such Polls shall, " so far as applicable, extend and apply to the Poll " hereby authorized and directed to be taken: Pro- " vided always, that where any such Remonstrance " applies to Part only of such Resolution, the " Commissioners may either carry into effect the " Remainder of such Resolution or rescind the same, " as they think fit; but provided also, that if the " said Resolution shall not be so confirmed, it shall " be lawful to the Commissioners, as often as they " shall think proper thereafter, but not sooner than " One

" One Year from the Date of any preceding Reso-
" lution, by such and the like Procedure again to
" adopt the same, but such Resolution shall always
" be subject to be confirmed by the Householders
" in the event of a Remonstrance being made there
" against, all in manner above provided.")

Page 126.

Line 2. Leave out ("in any Building"), and in same Line after ("Commissioners") insert ("in any Burgh")

Page 127.

Line 3. Leave out ("with") and insert ("towards")

Line 18. After ("Commissioners") insert ("and the Clerk")

Page 129.

Line 29. After ("the") insert ("said")

Page 131.

Line 36. Leave out ("Treasurer") and insert ("Clerk")

Line 36. After ("Treasurer") insert ("and Clerk")

Page 132.

Line 16. After ("Lands") insert Clause (A.)

Clause (A.) The Lands Clauses Consolidation (Scotland) Act, 1845, shall be incorporated with and form Part of this Act, with respect to the Provisions thereof as to acquiring Lands by Agreement.

Page 135.

Line 12. After ("Clause") insert ("and all other Appeals to
" the Sheriff allowed by this Act not otherwise
" provided for.")

Line 18. After ("required") insert ("or falls")

Page 136.

Line 14. After ("may") insert ("without Prejudice to the
" Power herein-before contained")

Page 139.

Line 3. After ("Person") insert ("or Persons")

Page 141.

Line 33. Leave out ("Six") and insert ("Three")

Line 36. Leave out from ("thereafter") to the End of the Clause.

Page 143.

Line 9. After ("or") insert ("if such Party or Witness has no
" known Dwelling House")

Lines 10 and 11. Leave out ("if no other Domicile can be found")

Page 144.

Line 1. Leave out ("Penal or Police")

Line 17. After ("commit") insert ("to Prison").

Page 146.

Line 6. Leave out from ("presented") to the End of the Clause, and insert ("before the next Circuit Court

" of Justiciary, or, where there are no Circuit
" Courts, before the High Court of Justiciary at
" Edinburgh, in the Manner, and by and under the
" Rules, Limitations, Conditions, and Restrictions,
" which shall from Time to Time be prescribed by
" the said High Court of Justiciary.")

Page 149.

Line 8. After (" Commissioners") insert (" or Trustees")

Page 156.

Line 3. Leave out (" Special") and insert (" General"), and leave out the first (" General") and insert (" Special"), and leave out (" or General")

Line 10. Leave out (" Rate") and insert (" Assessment")

LORDS AMENDMENTS

TO THE

POLICE AND IMPROVEMENT (SCOTLAND) BILL.

Ordered, by The House of Commons, *to be Printed, 25 July* 1862.

[Bill 236.]

Under 2 oz.

A

BILL

TO

Amend the Law relating to Polling Places in the Boroughs of New Shoreham, Cricklade, Aylesbury, and East Retford.

WHEREAS by an Act of the Session of the Second and Third Years of the Reign of King William the Fourth, Chapter sixty-four, intituled "An Act to settle and describe the "Divisions of Counties and the Limits of Cities and Boroughs in "England and Wales, in so far as respects the Election of Members "to serve in Parliament," it is enacted that the Poll for the Election of Members to serve in Parliament for the several Boroughs of New Shoreham, Cricklade, Aylesbury, and East Retford should be taken at the Place or Places mentioned in the Schedule to the said Act annexed, in conjunction with the Names of such several Boroughs respectively; and that the Justices of the Peace for the respective Counties in which the Boroughs of New Shoreham, Cricklade, and East Retford are situated should, at the Quarter Sessions to be holden in the Month of October in the Year One thousand eight hundred and thirty-two, divide the said Boroughs of New Shoreham, Cricklade, and East Retford into convenient Districts for Polling, and should assign One of such Districts to every Polling Place for the said Boroughs of New Shoreham, Cricklade, and East Retford mentioned

Preamble recites 2 & 3 W. 4. c. 64.

mentioned in the said Schedule to the said Act annexed: And whereas by Two Acts, the One of the Session of the Sixth and Seventh Years of the Reign of King William the Fourth, Chapter One hundred and two, intituled "An Act for rendering more easy the taking "the Poll at County Elections," and the other of the Session of the Sixteenth and Seventeenth Years of the Reign of Her present Majesty, Chapter Sixty-eight, intituled "An Act to limit the Time for pro-"ceeding to Election in Counties and Boroughs in England and "Wales, and for Polling at Elections for the Universities of Oxford "and Cambridge, and for other Purposes," Power is given to Her Majesty, on Petition of the Justices in Quarter Sessions assembled, and upon such Notices being given as therein mentioned, to provide additional Polling Places for Counties or to substitute other Polling Places for Counties: And whereas it is expedient that Power should be given to the Justices of the respective Counties in which the said Boroughs of New Shoreham, Cricklade, Aylesbury, and East Retford are situate, to provide additional Polling Places for such Boroughs and to substitute other Polling Places for the existing Polling Places in such Boroughs: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

6 & 7 W. 4. c. 102.

16 & 17 Vict. c. 68.

Acts 6 & 7 W. 4. c. 102. and 16 & 17 Vict. c. 68. to apply to Boroughs of New Shoreham, Cricklade, Aylesbury, and East Retford.

1. That for the Purposes of any Alteration in or Addition to the Polling Places or Polling Districts of the several Boroughs of New Shoreham, Cricklade, Aylesbury, and East Retford, each of such Boroughs shall be deemed to be a County separately returning a Member or Members of Parliament, and the Justices of the Quarter Sessions of the Counties or Divisions of Counties in which the said Boroughs are situate shall respectively, as regards each such Borough, be deemed to be the Justices of the County within the Meaning of the said Acts of the Sixth and Seventh Years of the Reign of King William the Fourth, Chapter One hundred and two, and of the Sixteenth and Seventeenth Years of the Reign of Her present Majesty, Chapter Sixty-eight; and all the Provisions of the said Acts with respect to Alterations in or Additions to Polling Places in Counties shall extend to the said Boroughs accordingly.

Polling Places (New Shoreham, &c.)

A

B I L L

To amend the Law relating to Polling Places in the Boroughs of New Shoreham, Cricklade, Aylesbury, and East Retford.

(*Prepared and brought in by Mr. Cave and Mr. Cobbett.*)

Ordered, by The House of Commons, *to be Printed,* 18 *July* 1862.

[Bill 218.]

Under 1 *oz.*

Poor Law Officers' Superannuations (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Commissioners to declare the Amount from Time to Time required for Purposes of the Act, and Guardians to raise the same. Not to exceed certain Proportions; Sect. 1.

Treasurer to reserve Portion of the Lodgments on account of Rate, and to pay same to the Credit o Poor Law Commissioners; 2.

Poor Law Commissioners shall invest same; 2.

Surplus Dividends to be invested; 2.

Scale of Superannuation Allowances; 5.

Guardians may recommend Superannuation Allowances. To be inquired into and declared by the Commissioners; Commissioners to pay Superannuation accordingly; 6.

Provision for Cases of Bodily Injury; 7.

Provision for short Periods of Service; 8.

Evidence of Infirmity of Persons under Sixty Years of Age; 9.

A

BILL

TO

Provide for the Superannuation Allowances and Gratuities to Officers of Poor Law Unions in Ireland.

WHEREAS it is expedient that Provision should be made to enable Superannuation Allowances and Gratuities to be granted to Officers of Poor Law Unions in Ireland who become disabled by Infirmity, Age, or severe bodily Injury to discharge the Duties of their Offices, and to provide a Fund for that Purpose: Be it therefore enacted by the Queen's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:— Preamble.

1. The Commissioners for administering the Laws for Relief of the Poor in Ireland shall from Time to Time, subject to the Approval of the Lord Lieutenant, declare, by Order under their Seal, the Amount which they may deem to be necessary for the Purposes of this Act and the Proportions in which the several Unions in Ireland shall be required to contribute to such Amount, and the Guardians of the several Unions in Ireland shall, in the Rate next made after the Receipt of such Order, make Provision for raising such Contribution, charging its due Proportion thereof on each Electoral Division according to its net annual Value; Provided that the Amount so to be raised, Commissioners to declare the Amount from Time to Time required for Purposes of the Act, and Guardians to raise the same.

and the Proportions in which such Amount shall be assessed on the several Unions, shall be subject to the following Limitations and Restrictions: The several Unions shall be required to contribute to the Amount named in such Order in the Proportion which the Amount of the Salaries and Emoluments of the Officers in each such Union who may be or become eligible for Superannuation under the Provisions of this Act bears to the Amount of the Salaries and Emoluments of such Officers in all the Unions in Ireland at the Time of the making such Order, such Proportions to be ascertained and declared by the Commissioners, which Declaration shall be final. No Union shall be required to raise for the Purposes of this Act more than *One Penny* in the Pound in any One Year, or more than *Sixpence* in the Pound in the whole, on the net annual Value of the Property rateable to the Relief of the Poor in such Union.

Not to exceed certain Proportions.

Treasurer to reserve Portion of the Lodgments on account of Rate, and to pay same to the Credit of Poor Law Commissioners.

2. The Treasurer of each Union shall reserve *One Sixth* Part, or such less Part as shall be necessary, of all Lodgments made with him on account of any Rate or Rates made after the Issue of such Order as aforesaid, and shall place the same to an Account to be entitled "The Superannuation Fund Account," until the full Amount of the Sum named in such Order as aforesaid as the Proportion to be contributed by such Union shall have been reserved; and such Treasurer shall from Time to Time pay over all Sums so reserved into the Bank of Ireland, to the Credit of the said Commissioners, to be placed to an Account to be entitled "The Union Superannuation Account."

Poor Law Commissioners to invest same.

3. The said Commissioners shall from Time to Time cause the said Sums so paid as aforesaid to be invested in Government Securities; and the Interests and Dividends arising on the Monies so invested shall from Time to Time be placed to the Credit of the said Commissioners in an Account to be entitled "The Union Superannuation Payment Account."

Surplus Dividends to be invested.

4. If at any Time the Amount of the Interest and Dividends so placed to the Credit of the said Commissioners in the Account last mentioned shall appear to be greater than is likely to be required for Payment of the Superannuation Allowances and Gratuities to be charged thereon, as herein-after provided, the same or so much thereof as shall appear to be in excess of the Amount required shall be invested by the said Commissioners in the Manner aforesaid.

Scale of Superannuation Allowances.

5. Subject to the Exceptions and Provisions herein-after contained, the Superannuation Allowance to be granted, in pursuance of the Authority

Authority of this Act, shall be according to the following Scale; that is to say:—

To any Person who shall have served Ten Years and upwards and under Eleven Years an annual Allowance of *Ten Sixtieths* of the annual Salary and Emoluments of his Office:

For Eleven Years, and under Twelve Years an annual Allowance of *Eleven Sixtieths* of such Salary and Emoluments:

And in like Manner a further Addition to the annual Allowance of *One Sixtieth* in respect of each additional Year of such Service until the Completion of a Period of Service of *Forty* Years, when the annual Allowance of *Forty Sixtieths* may be granted; and no Addition shall be made in respect of any Service beyond *Forty* Years.

Guardians may recommend Superannuation Allowances.

6. At any Time after *One Year* from the passing of this Act the Guardians of any Union may, by Resolution of their Board, after due Notice in the Manner required by the Regulations of the said Commissioners, which Regulations the Commissioners are hereby authorized to make, recommend that a Superannuation Allowance, not exceeding the Scale above mentioned, be granted to any Officer then in the Service of such Union, and devoting his whole Time thereto; and the said Commissioners shall, on receipt of such Resolution, inquire into the Circumstances of the Case; and if upon such Inquiry it shall appear to the Satisfaction of the said Commissioners that the Case is one properly falling within the Provisions of this Act, and if they shall approve the Amount recommended they shall declare the Fact by an Order under their Seal, and shall state in such Order the Amount of the Superannuation Allowance awarded to the Applicant and the Date from which Payment of such Allowance is to commence; and the said Commissioners shall send a sealed Copy of such Order to the Board of Guardians and to the Officer proposed to be superannuated, and shall, from and after the Issue of such Order, pay out of the Monies placed to their Credit in the said last-named Account the Amount therein mentioned to the Officer entitled to receive it, or to his Order, or to his Trustee or Trustees, or his or their Order, by Four equal quarterly Payments, on each of the Four following Days, namely, the First Day of January, the First Day of April, the First Day of July, and the First Day of October in each Year. Such Allowance shall not be assignable nor chargeable with the Debts or other Liabilities of the Officer to whom is is payable; and on the Death of such Officer the proportionate Part due at the Time of his Death shall be payable forthwith to the legal Representatives of such deceased Officer.

To be inquired into and declared by the Commissioners.

Commissioners to pay Superannuation accordingly.

Provision for Cases of Bodily Injury.

7. In any Case where the Holder of an Office in respect of which a Superannuation Allowance might be granted under the Provisions of this Act has not completed the Period of Service which would have entitled him to a Superannuation Allowance, and is compelled to quit the Public Service by reason of severe Bodily Injury occasioned without his own Default in the Discharge of his Public Duty, a Gratuity not exceeding *Three* Months Pay for every Two Years of Service, or a Superannuation Allowance not exceeding *Ten Sixtieths* of the annual Salary and Emoluments of his Office, may be granted to him on the Recommendation of the Board of Guardians and Inquiry and Order of the Poor Law Commissioners in the Manner herein-before provided.

Provision for short Periods of Service.

8. In any Case where the Holder of an Office, in respect of which a Superannuation Allowance might be granted under the Provisions of this Act, is constrained from Infirmity of Mind or Body to leave the Service of the Union before the Completion of the Period which would entitle him to a Superannuation Allowance, such Sum of Money, by way of Gratuity, may be granted to him as the Guardians of the Union may recommend, and as the Commissioners may after Inquiry order and allow, in manner aforesaid; provided that no such Gratuity shall exceed the Amount of *One Month's* Pay for each Year of Service.

Evidence of Infirmity of Persons under Sixty Years of Age.

9. It shall not be lawful to grant any Superannuation Allowance under the Provisions of this Act to any Person who shall be under the Age of *Sixty* Years unless upon Medical Certificate, to the Satisfaction of the Commissioners, that he is incapable from Infirmity of Mind or Body to discharge the Duties of his Situation, and that such Infirmity is likely to be permanent.

Poor Law Officers' Superannuations (Ireland).

A

BILL

To provide for the Superannuation Allowances and Gratuities to Officers of Poor Law Unions in Ireland.

(*Prepared and brought in by Sir Robert Peel and Mr. Cardwell.*)

Ordered, by The House of Commons, *to be Printed,* 9 *May* 1862.

[Bill 107.]

Under 1 *oz.*

A

BILL

TO

Amend the Law for the Relief of the Poor in Ireland.

WHEREAS it is expedient to amend the Laws relating to the Relief of the Poor in Ireland: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. Whereas it has been found that the Mortality among infant Children admitted into Workhouses without their Mothers is very large, and that in other respects the Workhouses are not well suited in all Cases for the Care and Nurture of such Children during Infancy, and it is therefore expedient to extend the Powers of Boards of Guardians for the Relief of destitute Poor Children who are Orphans or who have been deserted by their Parents: Be it enacted, That it shall be lawful for the Board of Guardians to provide for the Relief of any Orphan or deserted Child out of the Workhouse, by placing such Child out at Nurse or otherwise in such Manner and subject to such Regulations as the said Board of Guardians shall, with the Sanction of the Commissioners for administering the Laws for the Relief of the Poor in Ireland, deem fit to adopt; provided that no Child shall continue to be so relieved after the Age of

Permitting Guardians to maintain Orphans and deserted Children out of the Workhouse up to the Age of Fifteen.

of *Fifteen* Years, and that no Orphan or deserted Child shall be admitted into any Workhouse until it shall be of the Age of *Two* Years.

Tenth Section of 10 Vict. c. 31. repealed.

2. And whereas by an Act passed in the Tenth Year of the Reign of Her Majesty, Chapter Thirty-one, Section Ten, it is provided, that no Person who shall be in the Occupation of any Land of greater Extent than the Quarter of a Statute Acre shall be deemed and taken to be a destitute Poor Person, under the Provisions of an Act passed in the Second Year of the Reign of Her Majesty Chapter Fifty-six, for the more effectual Relief of the destitute Poor in Ireland, or of the Acts amending the same: And whereas it is expedient that the said Provisions of the said Act should be repealed: Therefore, from and after the *passing of this Act*, the Tenth Section of the said Act passed in the Tenth Year of the Reign of Her Majesty, Chapter Thirty-one, shall be and the same is hereby repealed.

Poor Relief (Ireland).

A

BILL

To amend the Law for the Relief of the Poor in Ireland.

(*Prepared and brought in by Mr. Hennessy and Mr. Gregory.*)

Ordered, by The House of Commons, *to be Printed,* 7 *February* 1862.

[Bill 4.]

Under 1 *oz.*

Poor Relief (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Preamble.
Existing Enactments as to Chargeability repealed. Chargeability according to Residence; Sect. 1.
Tenth Section of 10 Vict. c. 31. repealed. 1 & 2 Vict. c. 56. ;—2.
Guardians may admit any poor Person requiring Medical or Surgical Aid in Hospital; 3.
Poor Persons of sufficient Ability to pay the Costs of their Maintenance in Hospital or Part thereof, required to pay same; 4.
Admission of Constabulary Patients; 5.
Poor Persons claiming to pay Costs of their Maintenance not to be disfranchised; 6.
Guardians may send Inmates of Workhouse to Hospital; 7.
Guardians to have same authority as Parents in Cases of Children under 15 Years of Age relieved without Parents; 8.
Relief to Orphans and deserted Children; 9.
Religious Education of Children the Religion of whose Parents is not known; 10.
Property hitherto exempt from rating as being used for charitable or public Purposes to be rated; 11.
Rating unoccupied Buildings; 12.
County Cess Collectors not to be entitled to collect Poor Rates in preference to other Persons. 1 & 2 Vict. c. 56. s. 73.;—13.
Not to affect District comprised in Dublin Rates Act; 14.
Non-occupying Ratepayers to give full Description of the Property in respect of which they claim to vote, and of their Interest therein; 15.
Limitation of Property and Proxy Claims; 16.
Owners or immediate Lessors rated under 6 & 7 Vict. c. 92. ss. 1 and 4., 12 & 13 Vict. c. 91. s. 63., and 12 & 13 Vict. c. 104. s. 10. may vote as Occupiers; 17.
No Person to vote for a greater Amount of Rent than the rateable Value of the Property; 18.
Occupiers and immediate Lessors who are rated, not to vote unless all Rates Six Months due have been paid; 19.
Solicitors who are Members of Board of Guardians not to act for or against such Boards; 20.
Paid Officers and others incapable of serving as Guardians; 21.
Burial Expenses of Persons dying unknown; 22.
Irish Poor Law Commission further continued. 10 & 11 Vict. c. 90;—23.

No. 2.

A

BILL

TO

Amend the Laws in force for the Relief of the destitute Poor in Ireland, and to continue the Powers of the Commissioners.

WHEREAS it is expedient to amend the Laws in force for the Relief of the destitute Poor in Ireland: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. All Enactments contained in the Acts in force for the Relief of the destitute Poor in Ireland which relate to the Chargeability of Persons relieved under those Acts upon Unions and Electoral Divisions are hereby repealed; and in lieu thereof it is enacted, That every Person so relieved after the *passing of this Act*, who shall not have continuously resided in the Union for *Five* Years, and all Persons who shall not have resided for *Two* Years continuously in some One Electoral Division of the Union previously to the Commencement of such Relief, shall be charged to the Union at large, and that every other Person so relieved shall be charged to the Electoral Division in which he shall have been continuously resident for *Two* Years previously

Existing Enactments as to Chargeability repealed.

Chargeability according to Residence.

previously to the Commencement of Relief: Provided that nothing herein shall apply to any Person who at the Date of the *passing of this Act* shall be in receipt of Relief; but every such Person shall be chargeable to the Union or Electoral Division, as the Case may be, to which he would have been chargeable if this Act had not been passed, and shall continue to be so chargeable when in receipt of Relief at any future Time, unless at any future Time of commencing to receive Relief he shall be chargeable to some Electoral Division under the Provisions of this Act: Provided also, that for the Purposes of this Enactment the Residence of any Person shall be construed to mean the Occupation by such Person of some Tenement in the Union or Electoral Division, or his or her usually sleeping therein; but in estimating the Time of Residence in any Electoral Division, Residence in the Workhouse shall not be considered to be Residence in the Electoral Division in which the Workhouse is situate, but shall be considered to be Residence within the Union: Provided also, that every Dependent on such Person who shall be relieved together with such Person shall be chargeable in the same Manner as such Person.

Tenth Section of 10 Vict. c. 31. repealed.

1 & 2 Vict. c. 56.

2. And whereas by an Act passed in the Tenth Year of the Reign of Her Majesty, Chapter Thirty-one, Section Ten, it is provided that no Person who shall be in the Occupation of any Land of greater Extent than the Quarter of a Statute Acre shall be deemed and taken to be a destitute poor Person under the Provisions of an Act passed in the Second Year of the Reign of Her Majesty, Chapter Fifty-six, for the more effectual Relief of the destitute Poor in Ireland, or of the Acts amending the same: And whereas it is expedient that the said Provision of the said Act should be repealed: Therefore, from and after the *passing of this Act* the Tenth Section of the said Act passed in the Tenth Year of the Reign of Her Majesty, Chapter Thirty-one, shall be and the same is hereby repealed.

Guardians may admit any poor Person requiring Medical or Surgical Aid in Hospital.

3. And whereas the Guardians of the Poor of Unions in Ireland are empowered to admit into any Building provided by them for a Fever Hospital, or into any Part of the Workhouse appropriated by them, with the Consent of the Commissioners to that Purpose, poor Persons affected with Fever or other dangerous contagious Disease, and it is expedient to extend such Power: Be it enacted, That it shall be lawful for such Guardians to admit into the Infirmary of the Workhouse any poor Persons requiring Medical or Surgical Aid in Hospital, and to provide for their Treatment and Maintenance therein, charging the Expense thereof on the Electoral Division or Union at large, as the Case may be, according to such Person's Chargeability by Residence under the Laws which are or shall be in force for the Relief of the destitute

destitute Poor in Ireland: Provided that no Person admitted to the Workhouse for Medical or Surgical Treatment in Hospital shall be required by the Guardians to be accompanied by any Member of his or her Family as a Condition of such Person's Admission into the Workhouse.

Poor Persons of sufficient Ability to pay the Cost of their Maintenance in Hospital or Part thereof, required to pay same.

4. Every poor Person who shall be so admitted into the Infirmary of the Workhouse in pursuance of the Authority in that Behalf which is herein-before given, and every poor Person who shall hereafter be admitted into any Building provided by the Guardians of any Union for a Fever Hospital, or into any Part of the Workhouse appropriated as a Fever Hospital, who shall nevertheless be considered by the Guardians to be of sufficient Ability to pay the Cost of his or her Maintenance while in Hospital, or some Portion of such Cost, shall be required to repay such Proportion thereof as the Guardians shall determine; provided that such Proportion shall in no Case exceed the Average of the general Cost of Maintenance in such Hospital or Infirmary; and all such Sums shall be recoverable from such poor Persons, or from those liable by Law to maintain them, by the same Ways and Means as the Cost of Relief given by way of Loan is recoverable under the Acts in force for the Relief of the destitute Poor in Ireland; and all such Sums, or any Part thereof which shall be recovered, shall be lodged with the Treasurer of the Union, to the Credit of the Electoral Division chargeable for the Maintenance of such poor Person, or to the Credit of the Union, as the Case may be: Provided also, that for the Purpose of the Recovery of the Cost of Maintenance as aforesaid, every Master or Mistress shall be deemed liable to maintain his or her Servant so long as the Service shall continue.

Admission of Constabulary Patients.

5. On the Requisition of any Inspector or Sub-Inspector of Constabulary, or Head Constable in Charge of a Station, it shall be lawful for the Board of Guardians to admit into the Workhouse Infirmary or Fever Hospital any Constable or Sub-Constable of the said Force, on Service within the Union, who shall be suffering from Fever or other Disease or bodily Injury requiring Treatment in Hospital; and every such Constable or Sub-Constable shall contribute the full average Cost of daily Maintenance in such Hospital for the whole Term of his Continuance therein; and the Amount of such Cost may be recovered by the Guardians of the Union by the same Ways and Means as the Cost of Relief given by way of Loan is recoverable under the Acts in force for the Relief of the destitute Poor in Ireland.

Poor Persons claiming to pay £

6. Every poor Person admitted into the Fever Hospital or Infirmary of a Workhouse who shall on Admission claim to repay the entire

Cost of their Maintenance not to be disfranchised.

Cost of his or her Maintenance therein, according to the full average Cost thereof, as herein-before stated, and every poor Person admitted into such Fever Hospital or Infirmary on whose Behalf the Person liable by Law to maintain such poor Person shall claim to repay the entire Cost of such Maintenance therein as aforesaid, and every Constable or Sub-Constable so admitted, shall be entered in a separate Register from that in which the other Persons admitted into the Workhouse are registered; and the Person so relieved and the Person so claiming shall not, after Payment of the said Charges of Maintenance, be subject to any Disfranchisement or Disability as Persons having received Relief from the Poor Rates.

Guardians may send Inmates of Workhouse to Hospital.

7. It shall be lawful for the Guardians of any Union to send any Inmate or Inmates of the Workhouse of such Union requiring Medical or Surgical Treatment to any Hospital the Governor or Governors of which shall be willing and able to receive such Inmate or Inmates, and to pay to the Governor or Governors of such Hospital, out of the Rates of the Union, the Cost of the Maintenance and Treatment in such Hospital of the Persons so sent as aforesaid, and the Guardians may also pay out of the Rates of the Union the Cost of the Conveyance of such Persons from the Workhouse of the Union to such Hospital, and also the Cost of the Conveyance of such Persons, when discharged from such Hospital, to the said Workhouse; and the entire Cost of such Maintenance, Treatment, and Conveyance as aforesaid shall be charged on the Electoral Division or Union at large, as the Case may be, according to such Person's Chargeability under the Laws in force at the Time for the Administration of Relief to the destitute Poor in Ireland.

Guardians to have same Authority as Parents in Cases of Children under 15 Years of Age relieved without Parents.

8. Every Child relieved in a Workhouse under the Age of *Fifteen* Years, without a Parent, shall be subject to the Authority of the Board of Guardians in the same Manner as such Child would be subject to the Authority of its Parents or Parent, if living together with such Parents or Parent, excepting as regards the Religious Education of such Child, and no such Child shall be discharged from the Workhouse otherwise than by the Order of the Board of Guardians; but nothing herein shall authorize the Detention of any Child without a Parent, if any Relative of such Child shall claim its Discharge from the Workhouse for the Purpose of its being maintained out of the Workhouse otherwise than at the Charge of the Poor Rates.

Relief to Orphans and deserted Children.

9. And whereas it has been found that the Mortality among Infant Children admitted into Workhouses without their Mothers is very large, and that in other respects the Workhouses are not well suited in all Cases for the Care and Nurture of such Children during Infancy;

fancy; and it is therefore expedient to extend the Powers of Boards of Guardians for the Relief of destitute poor Children who are Orphans, or who have been deserted by their Parents: Be it enacted, That it shall be lawful for the Board of Guardians to provide for the 5 Relief of any Orphan or deserted Child out of the Workhouse, if they shall think fit to do so, by placing such Child out at Nurse or otherwise, according to their Discretion; provided that no Child shall continue to be so relieved after the Age of *Five* Years.

Religious Education of Children the Religion of whose Parents is not known.

10. And whereas by the Act of the Second Year of the Reign of 10 Her Majesty, intituled "An Act for the more effectual Relief of the "destitute Poor in Ireland," it is provided, that no Order of the Commissioners nor any Byelaw shall authorize the Education of any Child in a Workhouse in any Religious Creed other than that professed by the Parents or Parent of the Child, and to which such 15 Parents or Parent shall object, and in the Case of an Orphan to which the Guardian or Guardians, Godfather or Godmother, shall object; but no such Provision is made for the Case of a Child not being an Orphan, the Religion of whose Parents or Parent is unknown: Be it enacted, That in every such last-mentioned Case the 20 Guardian or Guardians, Godfather or Godmother of the Child, shall have the like Power to object as the Parents or Parent of a Child would have if living, or as the Guardian or Guardians, Godfather or Godmother, would have in the Case of an Orphan; provided that in the Case of a Child of whose Parents or Parent the Religion is not 25 known, and who shall not be known to have been baptized, the Term "Guardian" shall include the Person lawfully having the Care and Possession of the Child last before its Admission to the Workhouse.

Property hitherto exempt from rating as being used for charitable or public Purposes to be rated.

11. And whereas under the Acts in force for the Relief of the Poor in Ireland certain Descriptions of Property which would be 30 otherwise rateable to the Relief of the Poor are partially or wholly exempted therefrom as being used for certain Purposes of a religious, charitable, educational, or public Nature: Be it enacted, That in every Rate to be made for the Relief of the Poor after the *passing of this Act*, all Property now exempt from rating as aforesaid, on the 35 Ground of its being used for or dedicated to any religious, charitable, educational, or public Purpose, shall be rateable to the Relief of the Poor, anything in any Act to the contrary notwithstanding.

Rating unoccupied Buildings.

12. And whereas Doubts have existed as to the Liability of unoccupied Buildings to be rated in the Rates for the Relief of the Poor, 40 and it is expedient to remove such Doubts: Be it enacted, That from and after the *passing of this Act* the Guardians shall, in making every Rate for the Relief of the destitute Poor specify on the Face

thereof the Period for the Service of which the Rate is estimated to provide, and that when any Building liable to Assessment under the Provisions of the Acts for the Relief of the destitute Poor in Ireland is unoccupied at the Time of making any such Rate on the Electoral Division in which such Building shall be situate, the Board of Guardians shall in every such Case include such Building in the said Rate, describing it in the Column appropriated to the Name of the Occupier or immediate Lessor, as the Case may be, as "empty," and such Building shall be deemed to be rated to the Relief of the Poor as fully and effectually as if it had been occupied at the Time of the Rate made, and the Name of the Occupier or immediate Lessor inserted in the said Rate: Provided always, that if such Building shall continue to be unoccupied during the whole of the Period for which the Rate was estimated as aforesaid, the Rate so made on the said Building shall not be recoverable; provided also, that if after the making of the said Rate, and before the Expiration of the Period for which the Rate was so estimated as aforesaid, any Person or Persons shall occupy such Building for any Portion of such Period, the Board of Guardians shall be entitled to recover from the Occupier or the immediate Lessor, if he be liable to pay the same, a Portion only of the said Rate proportioned to the Time during which the said Building shall have been so occupied; and the same shall be recovered from the Occupier or immediate Lessor, as the Case may be, in the same Manner as if he had been originally rated for such Building, or in default of Payment by such Occupier, from the subsequent Occupier of the Premises.

County Cess Collectors not to be entitled to collect Poor Rates in preference to other Persons. 1 & 2 Vict. c. 56. s. 73.

13. From and after the *passing of this Act*, so much of the Act passed in the First and Second Years of Her Majesty, intituled "An "Act for the more effectual Relief of the destitute Poor in Ireland," as provides that every Rate made on each Electoral Division shall and may, if any Collector for the Time authorized to collect the County Cess on any Part of such Electoral Division shall be approved of by the Commissioners, and shall give Security to the Satisfaction of the Commissioners, and shall accept such Salary or Allowance as shall be approved by the Commissioners for his Trouble in that Behalf, be levied by such Collector, who shall, so far as relates to the Collection of such Rate, be deemed a paid Officer of the Union within which such Electoral Division shall be situate, shall be and the same is hereby repealed; and from and after the *passing of this Act* it shall and may be lawful for the Guardians of any Union, subject to the Approval of the Commissioners, to appoint from Time to Time such and so many Persons as they may deem expedient to collect and levy the Rates so made on the several Electoral Divisions.

14. Nothing

14. Nothing herein-before contained regarding the rating of Premises or the Collection of Rates shall apply to Premises situate within the District for the Collection of Poor Rates as defined by the Act passed in the Session held in the Twelfth and Thirteenth Years of the Reign of Her Majesty, intituled "An Act to provide for the Collection of Rates in the City of Dublin."

Not to affect District comprised in Dublin Rates Act.

15. No Ratepayer shall be entitled to vote in the Election of Guardians, either in Person or by Proxy, in respect of any Property not in his actual Occupation, or to give any Vote in addition to the Vote or Votes to which he would be entitled as an Occupier paying Rent equal to the net annual Value of the Property in his actual Occupation, unless he or his Proxy shall, *One Month* at the least previous to the Day on which he shall claim to vote, have given to the Guardians, or to some Person acting as Returning Officer, a Statement in Writing of the Name and Address of such Ratepayer, and the Description and local Situation of the Property in respect of which he claims to vote, specifying, in Cities, Towns, and their Suburbs having Streets and other Roadways, the Name of the Street or Roadway, and the Number of the House or Tenement, if any, and the Parish in which the Property is situate, and in other Places the Barony, Parish, and Townland, so that the Property may be ascertained and identified with reasonable Certainty, together with the Nature of the Interest of the Ratepayer therein, and its net annual Value over and above all Rents payable by him, and the Amount of Rent payable to him, and the Names of the Tenants or Occupiers by whom Poor Rates have been deducted from such Rent; and no such Proxy shall be entitled to claim to vote unless such Proxy shall have given to the Guardians, or some Person acting as Returning Officer, *One Month* at the least previous to the Day on which he shall claim to vote, the Original or an attested Copy of the Writing appointing such Proxy; and every such Claim to vote, whether by the Ratepayer or his Proxy, shall be executed in the Presence of a Justice of the Peace.

Non-occupying Ratepayers to give full Description of the Property in respect of which they claim to vote, and of their Interest therein.

16. No Claim of a Ratepayer to vote in the Election of Guardians, either in Person or by Proxy, in respect of any Property not in his actual Occupation, or to give a Vote or Votes in addition to the Vote or Votes to which he would be entitled as an Occupier paying Rent equal to the net annual Value of the Property in his Occupation, shall continue in force beyond the Period of *Five* Years from the Date on which he or his Proxy shall have given such Statement as aforesaid: Provided that every Appointment of a Proxy may be revoked at any Time; provided also, that no Person shall be entitled to vote as Proxy for more than *Ten* Owners of Property in any One Electoral Division or

Limitation of Property and Proxy Claims.

or Ward unless he be a Steward, Bailiff, Land Agent, or Collector of Rents for the Owners of Property for whom he may be appointed to vote.

Owners or immediate Lessors rated under 6 & 7 Vict. c. 92. ss. 1 and 4. 12 & 13 Vict. c. 91. s. 63. and 12 & 13 Vict. c. 104. s. 10. may vote as Occupiers.

17. And whereas Doubts have been entertained whether Owners or immediate Lessors of Property who are rated under the Provisions of the Act of the Sixth and Seventh Years of Her Majesty, Chapter Ninety-two, Sections One and Four, or under the Provisions of the Act of the Twelfth and Thirteenth Years of Her Majesty, Chapter Ninety-one, Section Sixty-three, or under the Provisions of the Act of the Twelfth and Thirteenth Years of Her Majesty, Chapter One hundred and four, Section Ten, are entitled to vote as Ratepayers in respect of Property for which they are so rated: Be it enacted, That it shall be lawful for Owners or immediate Lessors who are so rated as aforesaid to vote in the Election of Guardians in respect of the Property or Rent for which they are so rated, in the same Manner as Occupiers paying no Rent or paying Rent less than the net annual Value of the rateable Property, as the Case may be; provided that every such Owner or immediate Lessor or his Proxy shall have lodged a Statement in the Manner herein-before provided with reference to Persons claiming to vote in respect of Property not in their actual Occupation.

No Person to vote for a greater Amount of Rent than the rateable Value of the Property.

18. No Person receiving Rent shall be entitled to vote as aforesaid in respect thereof for any greater Amount of Rent than the actual Value of the Property out of which such Claim arises, according to the Valuation of the same in the Survey or Valuation of rateable Hereditaments for the Time being in force in the Union.

Occupiers and immediate Lessors who are rated, not to vote unless all Rates Six Months due have been paid.

19. Whereas it is provided by the said recited Act, that no Occupier paying Rent to any Landlord shall be entitled to vote under the Provisions of the said Act unless he shall have paid all the Poor Rates previously made and assessed upon him, except such as shall have been made or become due within the Six Calendar Months immediately preceding such voting; and it is expedient to extend the said Provision: Be it enacted, That no Occupier rated to the Poor Rate shall be entitled to vote in that Capacity unless he shall have paid all the Poor Rates previously made and assessed upon him, except such as shall have been made or become due within *Six* Calendar Months immediately preceding such voting; and no Owner or immediate Lessor who is rated under the Provisions of the Act of the Six and Seventh Years of Her Majesty, Chapter Ninety-two, Sections One and Four, or the Act of the Twelfth and Thirteenth Years of Her Majesty, Chapter Ninety-one, Section Sixty-three, or the Act of the Twelfth and Thirteenth Years of Her

Her Majesty, Chapter One hundred and four, Section Ten, shall be entitled to vote in respect of the Property for which he is so rated, unless he shall have paid all the Rates made and assessed on him in respect of such Property, except such as shall have been made or become due within *Six* Calendar Months immediately preceding such voting.

Solicitors who are Members of Boards of Guardians not to act for or against such Boards.

20. No Solicitor who is a Member of any Board of Guardians shall act professionally as Solicitor either for or against the Board of Guardians of which he is a Member; and every Solicitor so acting shall forfeit the Sum of *One hundred Pounds*, with full Costs of Suit, to any Person who shall sue for the same by Action of Debt in any of Her Majesty's Courts of Record in Dublin.

Paid Officers and others incapable of serving as Guardians.

21. No paid Officer engaged in the Administration of the Laws for the Relief of the Poor, or under the Act for the better Distribution, Support, and Management of Medical Charities in Ireland, nor any Person who, having been such paid Officer, shall have been dismissed within *Five* Years previously from such Office by the said Commissioners, shall be capable of serving as a Guardian; and no Person receiving any fixed Salary or Emolument from the Poor Rates in any Union shall be capable of serving as a Guardian in such Union.

Burial Expenses of Persons dying unknown.

22. And whereas no legal Provision exists for the Burial of the Bodies of unknown Persons who have been drowned and cast ashore in Ireland, or who have otherwise perished and been found dead: Be it enacted, That the Guardians of each Union in Ireland shall provide for the Burial of the dead Body of every Person dying or found dead within such Union whose Family or Connexions shall not be known, and whose Body shall not be claimed by any Person for the Purpose of Burial, and shall charge the Expenses of such Burial on the Poor Rates of the Union: Provided that every Constable or Sub-Constable in Ireland shall be enabled to proceed at once in the Burial of such dead Body, giving Notice to the Guardians of his Proceedings therein, and of the Expenses incurred by him, as soon thereafter as may be practicable in each Case.

Irish Poor Law Commission further continued. 10 & 11 Vict. c. 90.

23. And whereas the Provisions of an Act of the Tenth and Eleventh Years of Her Majesty, Chapter Ninety, relating to the Constitution and Appointment of Commissioners for administering the Laws for the Relief of the Poor in Ireland, Secretaries, Inspectors, and other Officers, were continued from Time to Time, and by an Act passed in the Twenty-third and Twenty-fourth Years of Her Majesty, Chapter One hundred and forty-eight, such Provisions were further continued until the Twenty-third Day of July One thousand eight

10 & 11 Vict. c. 90.

Constitution and Appointment of Commissioners for administering the Laws for the Relief of the Poor in Ireland, Secretaries, Inspectors, and other Officers, were continued from Time to Time, and by an Act passed in the Twenty-third and Twenty-fourth Years of Her Majesty, Chapter One hundred and forty-eight, such Provisions were further continued until the Twenty-third Day of July One thousand eight hundred and sixty-one, and thenceforth until the End of the present Session of Parliament; and it is expedient that the Commission for administering the Law for the Relief of the Poor in Ireland, as constituted under the said Act and an Act of the Fourteenth and Fifteenth Years of the Reign of Her Majesty, Chapter Sixty-eight, should be further continued for a limited Time: Therefore the Commissioners appointed by Her Majesty, or to be appointed by Her Majesty, Her Heirs and Successors, under the Authority of the said last-mentioned Acts or either of them, together with every Person by the said Acts or either of them constituted by virtue of his Office such Commissioner, and every Inspector and other Officer and Person appointed or to be appointed by the Commissioners, under the Provisions of the said recited Act of the Tenth and Eleventh Years of the Reign of Her Majesty, Chapter Ninety, now in force, shall, unless he shall previously resign or be removed, or otherwise cease to hold his Office, be empowered to hold his Office and exercise the Powers thereof, under the said last-mentioned Acts or either of them, until the Twenty-third Day of July One thousand eight hundred and sixty-three, and thenceforth until the End of the then next Session of Parliament; and until the Expiration of the said Period it shall be lawful for Her Majesty, Her Heirs and Successors, from Time to Time, at Pleasure, to remove the Commissioner or Commissioners for the Time being appointed by Her Majesty, or to be appointed by Her Majesty, Her Heirs and Successors, under the said Acts or either of them, and upon every Vacancy in the Office of the Commissioner or Commissioners so appointed or to be appointed, either by Removal, Death, Resignation, or otherwise, to appoint, as in the said Acts or either of them is described, some other fit Person to the said Office.

Poor Relief (Ireland).

No. 2.

A

BILL

[AS AMENDED IN COMMITTEE]

To amend the Laws in force for the Relief of the destitute Poor in Ireland, and to continue the Powers of the Commissioners.

(Prepared and brought in by Sir Robert Peel, Mr. Cardwell, and Mr. Villiers.)

Ordered, by The House of Commons, *to be Printed,* 1 *July* 1862.

[Bill 180.]

Under 2 oz.

LORDS AMENDMENTS

TO THE

POOR RELIEF (IRELAND) No. 2. BILL.

NOTE.—*The Page and Line refer to the Bill* (166.) *as printed by the Lords.*

Page 1.

Line 8. Leave out ("shall")

Line 9. After ("Act") insert ("shall")

Line 11. Leave out ("immediately")

Page 2.

Line 29. After ("repealed") insert ("as far as relates to Relief "within the Workhouse")

Line 32. After ("repealed") insert ("Provided always, that any "Person who shall be in occupation of any Land "of greater Extent than a Quarter of a Statute "Acre, and who shall be considered by the Board "of Guardians to require Relief, shall be relieved "by them in the Workhouse, and not otherwise")

Leave out Clauses 3, 4, 5, and 6.

Page 5.

Line 32. After ("Act") insert ("when Oath shall have been "made before any Justice of the Peace (which "Oath the said Justice is hereby empowered to "administer) by the Mother of any illegitimate "Child, and the same shall have been supported by "corroborative Evidence")

Line 33. Leave out ("Fathers") and insert ("Father")

Line 34. After the Second ("of") insert ("such"), and leave out ("Children") and insert ("Child")

Line 35. Leave out ("they are Inmates of a Poorhouse") and insert ("he is in receipt of Relief from the Poor "Rates")

Line 38. After ("Sessions") insert ("from the Person who "shall have been adjudged to be the Father of the "Child")

Page 6.

Line 11. Leave out from ("Orphan") to the End of the Clause.

Page 9.

Line 2. Leave out ("actual") and insert ("annual")

Page 11.

Line 21. Leave out from ("recited") to ("now") in Line 22. and insert ("Acts")

LORDS AMENDMENTS

TO THE

POOR RELIEF (IRELAND) No. 2. BILL.

Ordered, by The House of Commons, to be Printed, 22 July 1862.

[Bill 225.] *Under 1 oz.*

A

BILL

TO

Amend the Law relating to the Removal of poor Persons from England to Scotland, and from Scotland to England and Ireland.

Preamble.

WHEREAS it is expedient that better Means should be provided for the safe Conveyance to the Place of their Destination in England, Ireland, or Scotland of poor Persons who may be removed in pursuance of the Acts passed in the Eighth and Ninth Years of the Reign of Her present Majesty, Chapter Eighty-three, and Chapter One hundred and seventeen, and in the Tenth and Eleventh Years of the Reign of Her present Majesty, Chapter Thirty-three: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same:

Warrant of Removal to Scotland to be signed by Two Justices or a Magistrate, and to England or Ire-

1. No Application for a Warrant ordering the Removal from any Place in England to Scotland, or in Scotland to England or Ireland, of any poor Person who shall have become chargeable in such Place shall be heard and determined in England, except by *Two* or more Justices in Petty Sessions assembled, or by a Stipendiary Magistrate or Metropolitan Police Magistrate sitting in his Court; and in Scotland,

land by the Sheriff or Two Justices.

land, except by the Sheriff or any *Two* Justices of the Peace of the County in which the Parish is situated to which such poor Person may have become chargeable, which Justices or Magistrate, and Sheriff or Justices (as the Case may be) shall see such poor Person, or the Person who is the Head of the Family proposed to be removed, and shall be satisfied that every Person who is proposed to be removed by the Warrant is in such a State of Health as not to be liable to suffer bodily or mental Injury by the Removal.

Warrant to contain Name and Age of every Person to be removed, and other Particulars.

2. Such Warrant of Removal shall be granted in England only on the Application of the Relieving Officer, or other Officer of the Guardians of the Union or Parish; and in Scotland only on the Application of the Inspector of the Poor of the Parish, or Combination, or other Officer appointed by the Parochial Board of such Parish or Combination where such poor Person shall have become chargeable, and shall contain the Name and reputed Age of every Person ordered to be removed by virtue of the same, and the Name of the Place in Scotland or England, or Ireland (as the Case may be), where the Justices or Magistrate, or Sheriff or Justices shall find such Person to have been born, or to have last resided for the Space of *Five* Years, in the Case of a poor Person to be removed to Scotland, and *Three* Years in the Case of a poor Person to be removed to England or Ireland, and a Statement of such Examination having been made as to the State of Health of every Person ordered to be removed as aforesaid; and such Warrant shall be addressed to the Party applying for the same, and in the Case of a Removal to Scotland, to the Parochial Board or Inspector of the Poor of the Parish or Combination to which such poor Person is to be removed, and in the Case of a Removal to England or Ireland (as the Case may be), to the Guardians of the Union or Parish to which such Person is to be removed, and a Copy shall be given by and at the Cost of the Person applying for such Warrant to the Person or the Head of the Family about to be removed by virtue of it: Provided that in the Case of any Native of England, Ireland, or Scotland where the Justices or Magistrate, or Sheriff or Justices (as the Case may be) shall not be able to ascertain, upon the Evidence before them, the Place of Birth or of such continued Residence as aforesaid, they shall order the Pauper to be removed to the Port, or Union, or Parish in England or Ireland (as the Case may be), or Port or Parish in Scotland, which shall, in the Judgment of such Justices or Magistrate, or Sheriff or Justices (as the Case may be), under the Circumstances of the Case, be most expedient.

Proviso.

Copy of Warrant to be sent to Parochial

3. The Person obtaining the Warrant shall, at least *Twelve* Hours before the Date of the Removal, send a Copy of it by Post to the Inspector of the Poor of the Parish or Combination in Scotland, and to

to the Clerk of the Board of Guardians of the Union or Parish in England or Ireland (as the Case may be), to which such poor Person shall be ordered to be removed, and also a Copy of the Depositions taken in the Case, if the same shall, at any Time within *Three* Months from the Date of sending the Warrant, be required by any such Board of Guardians or Parochial Board.

Board, or Clerks of Guardians of Union, or Parish to which Removal is to be made.

4. Such Warrant shall order the Removal of the poor Person to be made to the Place mentioned therein as aforesaid, and shall order the Persons charged with the Execution thereof to cause such poor Person with his Family (if any), to be safely conveyed to such Place in England, Ireland, or Scotland (as the Case may be), to be delivered, in the Case of a Removal to Scotland, to the Inspector of the Poor of the Parish or Combination; and in the Case of a Removal to England or Ireland at the Workhouse of the Union or Parish containing the Port or Place nearest to the Place mentioned in the Warrant as the Place of the Pauper's ultimate Destination.

Warrants shall order poor Persons to be conveyed to the Place mentioned in the Warrant.

5. The Clerk of the Board of Guardians of the Union or Parish in England or Ireland, and the Inspector of the Poor of the Parish or Combination in Scotland, to which (as the Case may be) such Warrant is addressed, shall be bound to receive Delivery of the poor Person named in such Warrant, under a Penalty of *Ten Pounds* for each Case of Refusal, which Penalty may be recovered by the Person applying for such Warrant by an Action in any County Court in England or Ireland, or Sheriff Court in Scotland, or other competent Court having Jurisdiction in the Place where such Clerk or Inspector is resident at the Time when such Action is brought.

Relieving Officers and Inspectors of Poor to receive poor Persons named in Warrant under Penalty of 10*l.*

6. If by reason of Default of the Guardians, Inspector of the Poor, or other Person having charge of such Warrant, or otherwise, the poor Person named therein shall not be removed to the Place of ultimate Destination, the Guardians of the Union or Parish in England or Ireland, or Parochial Board of the Parish or Combination in Scotland (as the Case may be), to which he has been removed, may, if they think fit, cause the Pauper to be removed forthwith to the Place mentioned in the Warrant, and shall be entitled to be reimbursed the Costs incurred in such Removal by the Guardians or Parochial Board (as the Case may be), or other Person on whose Application the Warrant was obtained, such Costs being the actual Expense incurred in and about the Conveyance and Maintenance of each Person so removed, which Costs may, if not paid on demand, be recovered by an Action in any County Court in England or Ireland, or Sheriff Court in Scotland, or other competent Court having Jurisdiction in the Place from whence the Removal shall have taken place.

Parochial Boards and Guardians may forward the Pauper to the Place of Destination and recover the Costs.

 7. It

Women and Children not to be removed as Deck Passengers during the Winter.

7. It shall be unlawful to remove any Woman, or any Child under the Age of *Fourteen*, as a Deck Passenger in any Vessel from England to Scotland, or from Scotland to England or Ireland during the Period from the *First of October to the Thirty-first of March* following, and no Regulation of any Sheriff, Magistrate, or Justices authorizing such Removal shall be henceforth legal. 5

Sect. 6. of 8 & 9 Vict. c. 117., and Sect. 77. of 8 & 9 Vict c. 83., in so far as inconsistent with this Act, repealed.

8. Section Six of the Act Eighth and Ninth Victoria, Chapter One hundred and seventeen, and Section Seventy-seven of the Act Eighth and Ninth Victoria, Chapter Eighty-three, in so far as inconsistent with the Provisions of this Act, are hereby repealed. 10

This Act to be construed as Part of recited Acts, except where they are altered by it.

9. Except so far as this Act shall alter the Provisions of the said Acts, this Act shall be construed as Part of the same.

A

BILL

To amend the Law relating to the Removal of poor Persons from England to Scotland, and from Scotland to England and Ireland.

(*Prepared and brought in by The Lord Advocate and Sir William Dunbar.*)

Ordered, by The House of Commons, *to be Printed* 13 *June* 1862.

[Bill 151.] *Under* 1 *oz.*

LORDS AMENDMENTS

TO THE

POOR REMOVAL BILL.

NOTE.—*The Page and Line refer to the Bill* (231.) *as printed by the Lords.*

Page 2.
Line 42. Leave out (" Date of the ")

Page 3.
Line 5. Leave out (" sending ")
Line 14. After (" Workhouse ") insert (" of such Place or ")
Line 17. Leave out (" Clerk of the Board of Guardians'') and insert (" Master of the Workhouse ")
Line 26. Leave out (" Clerk ") and insert (" Master ")

Page 4.
Line 7. Leave out from (" Section ") to (" Seventy-seven ") in Line 8.

[Bill 253.]

LORDS AMENDMENTS

TO THE

POOR REMOVAL BILL.

Ordered, by The House of Commons, *to be Printed,*
1 *August* 1862.

[Bill 253.]

Under 1 *oz.*

A

BILL

FOR

The Discontinuance of Portsdown Fair in the County of Southampton.

WHEREAS under a Charter dated the Twenty-ninth Day of June One thousand seven hundred and sixteen, a Fair for selling Cattle and Merchandise, known as Portsdown Fair, has for many Years past been annually held in the Month of July on certain Land within the Manor of Widley in the County of Southampton, belonging to Thomas Thistlethwayte, Esquire, of Southwick House in the said County, who is, in accordance with the said Charter, entitled to the Franchise of holding the said Fair and of receiving Tolls in respect thereof: And whereas in pursuance of "The Defence Act, 1860," Her Majesty's Principal Secretary of State for the War Department (with the Consent of the said Thomas Thistlethwayte) entered into possession of the Land on which the said Fair was holden, and is using the same for the Construction of the Works authorized by the said Act; And whereas Compensation has been or is about to be awarded to the said Thomas Thistlethwayte in respect of the said Land and of the Franchise of holding the said Fair and receiving the said Tolls: And whereas Doubts are entertained whether the said Fair is abolished by the said Defence Act, and it is expedient (the said Thomas Thistlethwayte assenting thereto) that such Doubts should be removed: Be it enacted by the Queen's

Preamble.

Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

From passing of Act Portsdown Fair to cease to be held.

1. From and after the *passing of this Act*, the Fair called Portsdown Fair, held under the said Charter in the Manor of Widley in the County of Southampton, for the selling of all and all Manner of Beasts and Cattle, and of all Manner of Goods, Wares, and Merchandises commonly in Fairs bought and sold, and the Franchise of holding the same and of receiving Tolls in respect thereof, shall absolutely cease, and no Persons shall have any Right to resort to or continue on the Land on which the same Fair has hitherto been held for any Purpose connected with the said Fair, or in pursuance of any Charter, Custom, or Right relating to such Fair.

Notice of Act to be given by Advertisement.

2. The said Principal Secretary shall cause due Notice of this Act to be given by Advertisement in the London Gazette and in *One* or more local Newspaper or Newspapers circulating in the said County of Southampton, and by causing a Notice thereof to be placed on the outer Door of the Town Hall within the Borough of Portsmouth.

Saving of Right of Thos. Thistlethwayte to Compensation.

3. Nothing herein contained shall be construed to prejudice or affect the Right of the said Thomas Thistlethwayte to receive Compensation in respect of the Franchise of holding the said Fair and receiving the said Tolls or otherwise payable to him under the Defence Act, 1860.

Portsdown Fair Discontinuance.

A

BILL

For the Discontinuance of Portsdown Fair in the County of Southampton.

(Prepared and brought in by Sir George Lewis and the Judge Advocate.)

Ordered, by The House of Commons, *to be Printed,* 13 *June* 1862.

[Bill 152.]

Under 1 *oz.*

A

BILL

FOR

The Amendment of the Acts relating to the Payment of the Expenses of Prosecutions.

WHEREAS by divers Acts of Parliament Provisions are made for the Payment of the Costs, Charges, and Expenses incurred in and about the Committal and Prosecution of Offenders: And whereas such Costs and Charges are by Law payable out of Local Rates, subject to Repayment out of Monies provided by Parliament: And whereas by the Fifth Section of the Act passed in the Session holden in the Fourteenth and Fifteen Years of the Reign of Her present Majesty, Chapter Fifty-five, intituled "An Act to amend the "Law relating to the Expenses of Prosecutions, and to make further "Provision for the Apprehension and Trial of Offenders in certain "Cases," it is provided that it shall be lawful for One of Her Majesty's Principal Secretaries of State from Time to Time to make Regulations with respect to the Costs, Charges, and Expenses therein mentioned: And whereas it is expedient to give Power to the Local Authorities herein-after mentioned to increase or otherwise alter, subject to the Approval of the Secretary of State, such Costs, Charges, and Expenses, so that no greater Sum be thereby required to be paid out of the Monies provided by Parliament than would have been payable under

Preamble.

under any Regulations made by the said Secretary of State: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: 5

Powers of Justices and Council to alter Regulations.

1. Where such Costs, Charges, and Expenses as are mentioned or referred to in the said Fifth Section are chargeable upon the County Rate of any County, Riding, or Division of a County, the Justices of the Peace of such County, Riding, or Division of a County in Quarter Sessions assembled, and where such Costs, 10 Charges, and Expenses are chargeable on the Rates leviable within any Borough, Liberty, Franchise, Town, or Place which does not contribute to the Payment of the County Rate, the Council or other governing Body (including under that Term where there is no other governing Body the Justices of the Peace having Jurisdic- 15 tion therein) of such Borough, Liberty, Franchise, Town, or Place, may from Time to Time submit to One of Her Majesty's Principal Secretaries of State such Scale of Payments differing from that established by the Regulations of the Secretary of State in respect of such Costs, Charges, and Expenses as aforesaid as they may think 20 fit; and such altered Scale, if approved by the said Secretary, shall be as valid as if it had been made by him in pursuance of the said Act, subject to this Proviso, that no larger Payment shall be made out of Monies to be provided by Parliament for the Purpose of reimbursing any such Local Rate as aforesaid for Payments made in respect of 25 such altered Scale than would have been payable if the Scale for the Time being established by the said Secretary of State had been in force.

A

BILL

For the Amendment of the Acts relating to the Payment of the Expenses of Prosecutions.

(*Prepared and brought in by Sir George Grey and Mr. Clive.*)

Ordered, by The House of Commons, *to be Printed,* 25 *February* 1862.

[Bill 24.]

Under 1 *oz.*

A

BILL

INTITULED

An Act for the Protection of Inventions and Designs exhibited at the International Exhibition of Industry and Art for the Year One thousand eight hundred and sixty-two.

WHEREAS it is expedient that such Protection as is hereinafter mentioned should be afforded to Persons desirous of exhibiting new Inventions or new Designs at the International Exhibition of Industry and Art to be held in the present Year, under the Direction of "The Commissioners for the Exhibition of 1862:" Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. This Act may be cited for all Purposes as "The Protection of Inventions and Designs Amendment Act, 1862." Short Title of Act.

Protection of new Inventions.

2. The Exhibition of any new Invention at the said International Exhibition shall not, nor shall the Publication, during the Period of the holding of such Exhibition, of any Description of such Invention, nor shall the User of such Invention, under the Direction of the said Commissioners, Exhibition of new Inventions not to prejudice Patent Rights.

Commissioners, prejudice the Right of any Person to register provisionally such Invention, or invalidate any Letters Patent that may be granted for such Invention.

Protection of Designs.

Exhibition of Designs not to prejudice Provisional Registration.

3. The Exhibition at the International Exhibition of any new Design capable of being registered provisionally under the Designs Act, 1850, or of any Article to which such Design is applied, shall not, nor shall the Publication during the Period of the holding of such Exhibition of any Description of such Design, prejudice the Right of any Person to register provisionally or otherwise such Design, or invalidate any Provisional or other Registration that may be granted for such Design.

Protection of Inventions and Designs, 1862.

A

BILL

INTITULED

An Act for the Protection of Inventions and Designs exhibited at the International Exhibition of Industry and Art for the Year One thousand eight hundred and sixty-two.

(*Brought from the Lords* 4 *April* 1862.)

Ordered, by The House of Commons, *to be Printed,* 7 *April* 1862.

[Bill 78.]

Under 1 *oz.*

4 *April* 1862. 25 Vict.

A

BILL

[AS AMENDED IN COMMITTEE]

TO

Amend the Acts for the Regulation of Public Houses in Scotland.

WHEREAS an Act was passed in the Ninth Year of the Reign of His Majesty King George the Fourth, intituled "An Act to regulate the granting of Certificates by "Justices of the Peace and Magistrates, authorizing Persons to keep "Common Inns, Alehouses, and Victualling Houses in Scotland, in "which Ale, Beer, Spirits, Wine, and other Exciseable Liquors may "be sold by Retail under Excise Licences, and for the better "Regulation of such Houses, and for the Prevention of such Houses "being kept without such Certificate;" and another Act was passed in the Sixteenth and Seventeenth Years of the Reign of Her present Majesty, intituled "An Act for the better Regulation of Public "Houses in Scotland:" And whereas it is expedient to amend the said Acts, and to make Provision for more effectually preventing the Sale of Exciseable Liquors without Certificate and Licence, and for other Purposes relating thereto: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preamble.

9 G. 4. c. 38.

16 & 17 Vict. c. 67.

1. The Magistrates of Burghs shall meet for granting and renewing Certificates for the Sale of Exciseable Liquors within the Bounds

Regulating Period for granting Certificates.

Bounds of such Burghs upon the First Tuesday of April and the Third Tuesday in October in each Year, and the Justices of the Peace for the several Counties or Districts shall meet for granting and renewing Certificates for the Sale of Exciseable Liquors within such several Counties or Districts on the Third Tuesday of April and the last Tuesday of October in each Year; and it shall be lawful for such Magistrates and Justices respectively to adjourn such Meetings from Time to Time, as they shall think fit, during the Period of One Month next after the Day of their First Meeting, but no longer.

Forms of Certificates.

2. The Forms of Certificates contained in Schedule (A.) to this Act annexed shall come in place of the Forms of Certificates provided by the recited Acts or either of them; and it shall be lawful for the Justices of the Peace for any County or District, or the Magistrates of any Burgh, where they shall deem it inexpedient to grant to any Person a Certificate in the Form applied for, to grant him a Certificate in any other of the Forms contained in the said Schedule: And the Penalties and Forfeitures provided by the recited Acts, or either of them, for Breaches of, or Offences against the Terms, Provisions, and Conditions of Certificates, shall apply to Breaches of or Offences against the Terms, Provisions, and Conditions of Certificates granted under this Act.

Penalties for Breaches of Certificate.

Certificates for the Sale of Spirits and Wine, to include Authority to sell Porter, Ale, Beer, &c.

3. Every Certificate to be hereafter granted for the Sale by Retail in any House or Premises of Spirits or Wine shall include an Authority for the Sale by Retail in such House or Premises of Porter, Ale, Beer, Cyder, and Perry, and such Certificate shall have the Effect of enabling the Party in favour of whom the same shall have been granted to obtain any Licence or Licences for such Purposes: Provided always, that nothing herein contained shall be held to prevent the Justices or Magistrates from granting a Certificate in any of the Forms in the said Schedule contained for the Sale by Retail of Wine, Porter, Ale, Beer, Cyder, or Perry, or of Porter Ale, Beer, Cyder, or Perry only.

Certificates granted contrary to this Act null and void.

4. If any Certificate shall be granted contrary to the Terms and Provisions of this Act the same shall be null and void to all Intents and Purposes.

Licences not to be granted without a Certificate obtained under this Act.

5. No Licence for the Sale of Spirits, Wine, Porter, Ale, Beer, Cyder, Perry, or other Exciseable Liquors by Retail, whether to be drunk or consumed on the Premises of the Person licensed, or not, shall be granted by the Commissioners of Inland Revenue, or by any Officer of Inland Revenue, to any Person in Scotland who shall not produce to the said Commissioners or Officer a Certificate granted in

Terms

Terms of this Act, enabling the Party to obtain such Licence, and every Licence which shall be granted contrary to the Terms of this Act shall be null and void to all Intents and Purposes.

Chief Magistrate or Justices on special Occasions may grant Permission to keep open during particular Times.

6. On a Representation being made to the Chief Magistrate, or failing him the Two Senior Acting Magistrates of any Burgh, or to any Two Justices of the Peace of any County respectively by any Person holding a Certificate for keeping an Inn and Hotel or Public House, and duly licensed to sell Exciseable Liquors to be consumed on the Premises, that it is intended that any public or special Entertainment shall take place therein, or in any other Place or Premises situated within the respective Jurisdictions of such Chief Magistrate or Magistrates or Justices, during any particular Time, such Chief Magistrate or Magistrates or Justices, as the Case may be, may, if he or they shall think fit, and on being satisfied that such Inn and Hotel, or Public House, Place, or Premises possesses the necessary Accommodation, and that it is for a public or special Occasion of a legitimate and proper Character, and not originating with the Person holding such Certificate, grant such Person a special Permission in Writing to keep such Inn and Hotel, or Public House, Place, or Premises open, and to sell therein, on such public or special Occasion, and for that Purpose only, such Exciseable Liquors as he may be duly licensed to sell as aforesaid during such Time, and beyond the Hour prescribed by his Certificate for closing, Sunday excepted, and under such Regulations as such Chief Magistrate or Justices of the Peace shall think fit to appoint: Provided always, that such Magistrate or Magistrates or Justices are entitled to grant Certificates, and that such Justices are also Heritors of or resident in the Parish in which such Inn and Hotel, Public House, Place, or Premises shall be situated, or, where there shall be no such Justices Heritors of or resident in such Parish, Heritors of or resident in some next adjacent Parish; and it shall be lawful for the Justices of the Peace of any County or District, or for the Magistrates of any Burgh at any April Half-yearly Meeting for the granting and Renewal of Certificates, to make such general Regulations touching such Permissions as they shall think fit, and such special Permissions shall be subject to such general Regulations: And provided further, that the Person obtaining such special Permission shall lodge the same with the Superintendent or other Chief Officer of Police of the District, at least Twenty-four Hours before the Commencement of such public or special Entertainment, and such Superintendent or Chief Officer of Police shall furnish such Person with a certified Copy thereof, which shall be shown to any Officer of Police or Constable requiring to see the same.

Persons holding Licences for the Sale of

7. Whereas by an Act passed in the last Session of Parliament, intituled "An Act for granting to Her Majesty certain Duties of "Excise

Conditions as Persons holding Certificates.

" penny the Quart, and not to be drunk or consumed on the Pre-
" mises where sold, and that it shall not be necessary to the obtain-
" ing of such Licence that the said House or Shop shall be rated to
" the Relief of the Poor to any Amount, or that the Person applying
" for such Licence shall produce any Certificate or enter into any 5
" Bond required by any Act relating to the Sale of Beer by Retail:"
And whereas it is expedient that Provision should by this Act be made for the proper and orderly Regulation of the Houses, Shops, and Premises kept by such Persons: Be it therefore enacted, That every such Licence shall be held by the Person who shall have 10 obtained the same on the Terms, Provisions, and Conditions following; viz., that he shall not knowingly permit any Breach of the Peace or riotous or disorderly Conduct within his Premises, or supply Liquors to Persons in a State of Intoxication, and shall not sell or give any such Table Beer to be drunk or consumed on the said 15 Premises; and shall not sell or give out therefrom any such Table Beer before *Eight* of the Clock in the Morning or after *Eleven* of the Clock at Night of any Day; and shall not open his Premises for the Sale of any Table Beer, or any Goods or Commodities whatsoever, or sell or give out the same on Sunday; and lastly, shall 20 maintain good Order and Rule within his Premises; and in case any Person holding any such Licence shall offend against any of the said Terms, Provisions, and Conditions, every Person so offending shall for every such Offence forfeit and undergo the several Penalties provided by the Twenty-first Section of the herein first-recited Act 25 for the Punishment of Offences against the Terms and Conditions of Certificates; and in addition to such Penalties the Licence granted to such Person may be declared to be forfeited and to become null and void; and every such Offence shall be prosecuted, tried, and determined in the same Manner, and before the same Courts, and 30 subject to the same Conditions, as Breaches of Certificate or Offences against the Terms and Conditions thereof may be prosecuted, tried, and determined.

Form of Applications for Certificates.

8. If any Person shall be desirous of keeping an Inn and Hotel, Public House, Shop, or Premises for the Sale therein of Spirits, 35 Wine, Beer, or other Exciseable Liquors, whether to be consumed on the Premises or not, he shall, previous to the granting to him of a Certificate for that Purpose, or the Renewal of any such Certificate already granted, truly fill up an Application for such Certificate, in the Form contained in the First Part of Schedule (B.) to this Act 40 annexed, and shall truly answer the several Queries therein contained; and Printed Forms for such Application shall be supplied to the Applicant by the Clerk of the Peace for the County or District, or the Town Clerk of the Burgh in which such Inn and Hotel, Public House,

Applicant by the Clerk of the Peace for the County or District, or the Town Clerk of the Burgh in which such Inn and Hotel, Public House, Shop, or Premises shall be situate, upon Payment to him of a Fee of Sixpence for each Copy thereof, and every such Application shall be filled up in a fair and legible Hand, and shall be signed by the Applicant or his Agent thereunto authorized, and shall be lodged by the Applicant with such Clerk of the Peace or Town Clerk, as the Case may be, Fourteen Days at least before the General Meeting of the Justices of the Peace or Magistrates for granting and renewing Certificates: Provided always, that it shall not be lawful for the Justices of the Peace of any County or District, or the Magistrates of any Burgh, to entertain any Application for any Certificate for the Sale of Exciseable Liquors with respect to any House or Premises not licensed, and for which there is no Certificate at the Time of making such Application, until a Report shall have been made and subscribed by a Justice of the Peace for such County or District, or a Magistrate of such Burgh respectively, such Justice or Magistrate being entitled to grant Certificates, stating whether the same are of suitable Construction and Accommodation for the Purpose applied for, and accompanied with a Certificate as to the Applicant's Character and Qualification, signed by a Justice of the Peace for such County or District, or a Magistrate of such Burgh, and which said Report and Certificate respectively shall be in the Form, or, as nearly as may be, in the Form contained in the Second Part of Schedule (B.) to this Act annexed.

Certificate of Character and Qualification not necessary with Application for Renewal of Certificate.

9. Where any Person shall be desirous of obtaining a Renewal of any subsisting Certificate, granted to him in Terms of this Act, which has not been transferred during the current Half Year, it shall not be necessary that he produce along with his Application any Recommendation or Certificate of Character and Qualification: Provided always, that such Exemption shall not be held to interfere with the Powers of Justices and Magistrates under the said recited Acts or this Act, to deal with such Application.

List of new Applications for Certificates to be published.

10. The Clerk of the Peace of every County or District and the Town Clerk of every Burgh shall, at least Ten Days before the General Meeting of the Justices of the Peace, or the Magistrates, as the Case may be, for the granting and Renewal of Certificates for the Sale of Exciseable Liquors, make out and advertise, at least once in One or more Newspapers printed or generally circulated in the District, a complete List, in the Form, or as nearly as may be in the Form, set forth in Schedule (C.) to this Act annexed, of all Applications for Certificates for Premises not at the Time certificated; and of all Applications by new Tenants or Occupants of Premises at the Time certificated; and also of all Applications for Renewal of Certificates which have been transferred during the Currency of the previous

vious Half Year: And such Clerk of the Peace shall within the said Time cause a Copy of such List, signed by him, to be affixed to the Door of the Church of the Parish in which the Premises, with reference to which such Applications are made, are situated: And such Town Clerk shall within the said Time cause a Copy of such List, signed by him, to be affixed to the Outside of the Door of the Town Hall or the Place appointed for the holding of such General Meetings.

Certain Parties may object to the granting or Renewal of Certificates.

11. Any Person or the Agent of any Person owning or occupying Property in the Neighbourhood of the House or Premises, in respect of which any Certificate or Renewal of any Certificate shall be applied for, may object to the granting or Renewal of such Certificate by lodging at any Time, not less than Five Days before the General Meeting of the Justices of the Peace or Magistrates of the County, District, or Burgh, for the granting and Renewal of Certificates, where such House or Premises shall be situated, with the Clerk of the Peace or Town Clerk, as the Case may be, a Notice in Writing to that Effect, signed by such Person or his Agent, specifying the Grounds of such Objection, which Objection shall be heard and determined at the then ensuing General Meeting; and if such Objection shall be considered of sufficient Importance by the Justices of the Peace or Magistrates in such General Meeting, and shall be proved to their Satisfaction, the said Certificate shall not be granted or renewed: Provided always, that no such Objection shall be entertained unless it shall be proved or admitted that the Person so objecting or his Agent did, at least Five Days before such General Meeting, deliver or cause to be delivered to the Person applying for such Certificate a Copy of the aforesaid Notice, or did forward to him by Post, with Postage prepaid, or did leave for him a Copy thereof, addressed to him at his Place of Abode mentioned in his Application, or in the Case of an Application for the Renewal of any Certificate at the licensed Premises for which the Application is made; and it shall be lawful for the Justices of the Peace or Magistrates respectively, in the event of their considering the Allegations and Objections contained in any such Notice frivolous or vexatious, to find the Person making the same liable in such Expenses as they shall deem proper, and the Amount of the Expenses so found due shall be recoverable in the Sheriffs or Justices of the Peace Small Debt Court having Jurisdiction in the District; and a certified Copy of the aforesaid finding shall be sufficient Evidence and Authority for decerning for the Amount thereof with Expenses.

Justices or Magistrates at General Meetings,

12. It shall be lawful for the Justices of the Peace of any County or District, or for the Magistrates of any Burgh, at any General Meeting for the granting and Renewal of Certificates held within their

their respective Jurisdictions, to hear and determine as at present, and without the Notice required by Section Eleven, any Objections to be made verbally or in Writing by any Justice of the Peace or Magistrate, or by the Procurator Fiscal, Chief Constable, or Superintendent of Police, against the granting or renewing of any Certificate: And it shall also be lawful for the said Justices or Magistrates, if they shall think fit, to hear and consider at such Meeting, any Representations to be made verbally or in Writing by any Person or Persons, Owner or Owners, Occupier or Occupiers of Property in any Parish or Burgh, for the Purpose of showing that the Number of licensed Houses in such Parish or Burgh ought not to be increased, or are already excessive.

may hear Objections to granting Certificates.

13. It shall be lawful for any Chief Constable, Superintendent, Lieutenant, or Inspector of Police at any Time to enter and inspect any Eating House, Temperance Hotel, Shop, or other Place, or any Boat or Vessel, where Food or Drink of any Kind is sold to be consumed on the Premises, or in which he shall have Reason to believe that Exciseable Liquors of any Kind are being unlawfully trafficked in; and it shall also be lawful for any Constable of Police having an Authority in Writing from any Justice of the Peace or Magistrate, or from any Chief Constable, Superintendent, Lieutenant, or Inspector of Police, in any County, District, or Burgh, and which they are severally hereby authorized to grant, to enter and inspect any such Eating Houses, Temperance Hotels, Shops, or Places, or any such Boats or Vessels, within such County, District, or Burgh respectively, at any Time or Times within Eight Days from the Date of such Writing, as may be specially mentioned in such Writing; and any Person who shall refuse or delay to admit or shall not admit such Officer of Police or Constable into any such Eating House, Temperance Hotel, Shop, or other Place, Boat or Vessel, or shall offer Obstruction to his Admission thereto, shall thereby be guilty of an Offence, and may be apprehended on a Warrant to that Effect granted by the Sheriff or by any One Justice of the Peace or Magistrate, and on being convicted thereof shall forfeit and pay a Penalty not exceeding Ten Pounds, and failing immediate Payment shall be imprisoned for a Period not exceeding Sixty Days: And it shall be lawful for any Officer of Police or Constable of any County, District, or Burgh, without any written Authority, at any Time to enter and inspect any licensed Inn and Hotel or Public House therein situated; and also where he shall have Reason to believe that a Breach of Certificate is being committed, at any Time without written Authority to enter and inspect the Premises of any Grocer or Provision Dealer trading in Exciseable Liquors; and any Person who shall refuse or delay to admit or shall not admit such Officer of Police or Constable into such licensed Inn and Hotel, Public House, or Premises, or shall offer Obstruction to his

Power to Constables to enter Eating Houses, &c. and Penalty for obstructing them.

Admission thereto, shall thereby be guilty of an Offence, and on being convicted thereof, shall forfeit and pay a Penalty not exceeding Ten Pounds, and failing immediate Payment of such Penalty shall be imprisoned for a Period not exceeding Sixty Days.

Police to report Persons licensed, from whose Premises Persons in a State of Intoxication have been seen frequently to issue, or against whom there is other Cause of Complaint.

14. The Chief Officer of Police of every County, District, and Burgh in Scotland shall, on the First lawful Day of every Week, transmit or cause to be transmitted to the Procurator Fiscal appointed by the Justices of the Peace of such County or District, or Procurator Fiscal appointed by the Magistrates of such Burgh, respectively, a written Report containing the Names of all Persons licensed to sell Exciseable Liquors by Retail, from whose Premises Persons in a State of Intoxication have been seen habitually to issue, and any other Cause of Complaint against tne good Order of such Premises, and of the Manner in which any special Permission granted in virtue of this Act has been exercised, and such Reports shall be brought by such Procurator Fiscal under the Consideration of the Justices of the Peace and Magistrates of every such County and Burgh respectively when assembled to grant and renew Certificates: Provided always, that within Two Days after such Report shall have been lodged with such Procurator Fiscal, Notice in Writing, by Post, with Postage prepaid, shall be sent by him, addressed to each licensed Person at his licensed Premises, of his having been so reported on.

Permitting drinking Exciseable Liquors in a neighbouring House, Shed, &c., with Intent to evade the Provisions of the Act to be deemed drinking on the Premises.

15. If any Person licensed to sell, by Retail, any Exciseable Liquors, not to be consumed on the Premises, shall take or carry, or authorize or permit or suffer to be taken or carried, any such Exciseable Liquors out of or from the House, Shop, or Premises of such licensed Person, for the Purpose of being sold or hawked on his Account, or for his Benefit or Profit, or for the Purpose of being drunk or consumed for his Benefit or Profit in any other House, or in any Tent, Shed, or other Premises, of any Kind whatever, belonging to such Person, or hired, used, or occupied by him, or in which he may be interested, such Exciseable Liquors shall be deemed and taken to have been drunk or consumed upon the Premises of the Person so licensed, and such Person shall be deemed guilty of a Breach of his Certificate, and shall be liable in the Penalties and Expenses and Forfeitures for such Offence, as by the recited Acts and this Act provided.

Persons hawking Exciseable Liquors to be apprehended, and on Conviction to be fined or imprisoned.

16. Every Person hawking Spirits or other Exciseable Liquors shall thereby be guilty of an Offence, and may be taken into Custody by any Constable or Officer of Police, or in the Absence of any Constable or Officer of Police, by any Person whomsoever, and may be detained in any Police Office or Station House, or other convenient Place, and not later than in the Course of the First lawful Day after he shall have been so taken into Custody shall be brought before a Justice of the Peace or Magistrate, or if not so taken into Custody, or if

if he shall have been liberated on Bail or Pledge, may be summoned to appear before a Justice of the Peace or Magistrate, and on being convicted of such Offence shall forfeit and pay a Penalty not exceeding *Ten* Pounds, and in default of immediate Payment shall be imprisoned for a Period not exceeding *Sixty* Days.

Penalty on Persons trafficking in Exciseable Liquors without a Certificate.

17. Every Person convicted of trafficking in any Spirits or other Exciseable Liquors in any Shebeen, or in any other Place or Premises without having obtained a Certificate in that Behalf in Terms of this Act shall be guilty of an Offence, and on being convicted thereof shall for each such Offence forfeit and pay the full Penalties provided in the Thirtieth Section of the said first-recited Act, together with the Expenses of Prosecution and Conviction; and in default of immediate Payment thereof shall be imprisoned for the entire Periods respectively, and in the Manner prescribed by the said Thirtieth Section of the said first-recited Act: Provided always, that the Penalty and Term of Imprisonment thereby provided for a Third Offence shall likewise be imposed in the Case of every subsequent Offence.

Sheriff, Magistrate, or Justice may grant Warrant to summon, and in the Case of Shebeens may grant Warrant to apprehend.

18. In the Case of any Person complained of for any Offence against the recited Acts or this Act, excepting for Breach of Certificate, it shall be lawful for any Sheriff, or any one Justice or Magistrate to or before whom such Complaint shall have been presented, unless by this Act otherwise provided, to grant Warrant for summoning the Person complained of, upon an *induciæ* of not less than *Forty-eight* Hours, to appear to answer to such Complaint at a Time and Place to be therein specified; and in the Case of any Person complained of for trafficking in Spirits or other Exciseable Liquors in any Shebeen, or in any other Place or Premises without having obtained a Certificate in that Behalf, it shall be lawful for any Sheriff or any One Justice or Magistrate, if he shall see fit, instead of granting Warrant to summon such Offender, to grant Warrant to apprehend such Offender, to answer to the Complaint, and to be further dealt with as is provided by said recited Acts and this Act.

Proof of trafficking in any Shebeen.

19. In order to warrant the Conviction of any Person for trafficking in any Spirits or other Exciseable Liquors in any Place or Premises without a Certificate in that Behalf, it shall be sufficient, in the Absence of contrary Evidence, to prove that some Person other than the Owner or Occupant of such Place or Premises shall at the Time charged have been found in such Place or Premises drunk or drinking, and that such Place or Premises is or are by Repute kept as a Shebeen, or at the Time charged contained Furniture, Drinking Utensils, or Conveniences usually kept in Houses licensed for the Sale of Exciseable Liquors; and every Person found in any Shebeen drunk or drinking shall thereby be guilty of an Offence, and may at the Time be taken into Custody by any Officer of Police or Constable, and detained in any

Persons found in Shebeens may be taken into Custody.

Police Office or Station House, or other convenient Place, and not later than in the course of the first lawful Day after he shall be so taken into Custody shall be brought before a Justice of the Peace or Magistrate, or if not so taken into Custody, or if he shall have been liberated on Bail or Pledge, may be summoned to appear before a Justice of the Peace or Magistrate, and on being convicted of such Offence shall forfeit and pay a Penalty not exceeding *Ten* Shillings, and in default of immediate Payment thereof shall be imprisoned for a Period not exceeding *Ten Days*.

Warrant may be granted to seize Spirits found in unlicensed Premises.

20. It shall be lawful for any Justice of the Peace of any County or District, or Magistrate of any Burgh, upon being satisfied by the personal Examination on Oath of a credible Witness that there is reasonable Ground for believing that Spirits are trafficked in within any House or other Premises within such County or Burgh, as the Case may be, not licensed for the Sale thereof, or by any Person not having a Licence to sell Spirits in or at such House or Premises, or that illicit Spirits are kept for Sale or for the Purpose of being trafficked in at such House or Premises, to grant Warrant under his Hand authorizing any Chief Constable, Superintendent, Lieutenant, Inspector, or Sergeant of Police, with any Police Officers or Constables to enter such House or Place at all Times and to search for Spirits, and if any Spirits be found in such House or Place exceeding *One Gallon* to seize such Spirits, together with the Vessel in which the same are contained; and such Warrant shall continue in force for *One Month* from the Date thereof, and shall be a sufficient Authority to the Chief Constable, Superintendent, Lieutenant, Inspector, or Sergeant of Police therein named, and their Assistants respectively, to enter into such House or Place and seize all such Spirits as aforesaid and the Vessels containing the same, and to carry away and retain the same until disposed of as herein-after provided: And the Person occupying or using the Premises where such Spirits shall be found as aforesaid shall thereby be guilty of an Offence, and on being convicted thereof shall forfeit and pay for the First Offence a Penalty not exceeding *Five* Pounds nor less than *Two* Pounds, and in default of immediate Payment shall be imprisoned, with or without Hard Labour, for any Term not exceeding *Thirty* Days nor less than *Ten* Days, and for the second and every subsequent Offence a Penalty not exceeding *Ten* Pounds nor less than *Five* Pounds, and in default of immediate Payment shall be imprisoned, with or without Hard Labour, for any Term not exceeding *Sixty* Days nor less than *Thirty* Days: And all such Spirits and the Vessels containing the same so seized as aforesaid shall be forfeited and sold, without further Warrant, and the Proceeds of such Sale shall be paid into the Rogue Money Funds of the County or Police Funds of the Burgh, and where there are

Penalties.

are no Police Funds into the Corporation Funds of the Burgh, as the Case may be, in which the Premises in which such Spirits shall have been found are situate.

Penalty on disorderly Persons refusing to quit licensed Houses on Request.

21. Every Person who shall be riotous, quarrelsome, or disorderly, in any Shop, House, Premises, or Place licensed for the Sale of Spirits, Wine, Porter, Ale, Beer, or other Exciseable Liquors by Retail, whether to be consumed on the Premises or not, and shall refuse or neglect to quit such Shop, House, Premises, or Place upon being requested so to do by the Occupier or Manager thereof, or his Agent or Servant, or by any Constable, and every Person who shall refuse to quit such Shop, Premises, or Place at the Time of closing prescribed by this Act, on being required to do so as aforesaid, shall thereby be guilty of an Offence, and may be taken into Custody by any Officer of Police or Constable, and detained in any Police Office or Station House, or other convenient Place, and not later than in the course of the first lawful Day after he shall have been so taken into Custody shall be brought before a Sheriff or any One Justice of the Peace or Magistrate, or if not so taken into Custody, or if he shall have been liberated on Bail or Pledge, may be summoned to appear befere a Sheriff or any One Justice of the Peace, or Magistrate, and on being convicted of such Offence shall forfeit and pay a Penalty not exceeding *Forty* Shillings, and in default of immediate Payment shall be imprisoned for a Period not exceeding *Twenty* Days; and all Constables are hereby authorized and empowered to assist in expelling such riotous, quarrelsome, or disorderly Person refusing to quit the Premises at the Hour of closing from such Shops, Houses, Premises, and Places.

Persons falsely representing themselves to be Travellers, liable in a Penalty.

22. Every Person who by falsely representing himself to be a Traveller shall induce any Inn and Hotel Keeper, or the Servant of any Inn and Hotel Keeper, to sell or give out to him Exciseable Liquors on any Sunday, or to sell or give out to him Exciseable Liquors on any other Day during Hours when the Sale of Exciseable Liquors, excepting to Lodgers or Travellers, is prohibited by the Certificate of such Inn and Hotel Keeper shall thereby be guilty of an Offence, and on being convicted thereof by any Sheriff or any One Justice of the Peace, or Magistrate, shall forfeit and pay a Penalty not exceeding *Five* Pounds, and in default of immediate Payment shall be imprisoned for a Period not exceeding *Thirty* Days.

Persons found intoxicated and incapable of taking care

23. Every Person found in a State of Intoxication, and incapable of taking care of himself, and not under the Care or Protection of some suitable Person, in any Street, Thoroughfare, or Public Place, shall be thereby guilty of an Offence, and may be taken into Custody

Office or Station House, or other convenient Place, and not later than in the course of the first lawful Day after he shall have been so taken into Custody, shall be brought before a Sheriff or any One Justice of the Peace or Magistrate, or if not so taken into Custody, or if he shall have been liberated on Bail or Pledge, may be summoned to appear before such a Sheriff, Justice of the Peace, or Magistrate, and on being convicted of such Offence shall forfeit and pay a Penalty not exceeding Ten Shillings, and in default of immediate Payment shall be imprisoned for a Period not exceeding Twenty-four Hours.

Penalty for harbouring Constables while on Duty.

24. Every Person licensed to sell Spirits, Wine, Porter, Ale, Beer, Cyder, Perry, or other Exciseable Liquors by Retail, whether to be drunk or consumed on the Premises or not, who knowingly harbours or entertains, or suffers to remain in the licensed Premises wherein he carries on his Business, any Constable during any Part of the Time appointed for his being on Duty, unless for the Purpose of quelling any Disturbances or restoring Order, or otherwise in the Discharge of his Duty, shall be guilty of an Offence, and on being convicted thereof shall forfeit and pay a Penalty not exceeding Five Pounds, and in default of immediate Payment shall be imprisoned for a Period not exceeding Thirty Days.

Procurator Fiscal or other Party appointed shall prosecute.

25. Every Person who, after the passing of this Act, shall commit any Breach of Certificate, or who shall in any other Manner offend against either of the recited Acts or this Act shall be prosecuted, and all Penalties and Expenses shall be recovered, unless by this Act otherwise specially directed or authorized, before the Sheriff or any Two or more Justices of the Peace of the County or any Magistrate of the Burgh, having Jurisdiction in the County or Burgh, as the Case may be, in which such Offender shall reside or such Offence shall have been committed, at the Instance of the Procurator Fiscal, or such other Party as may be specially appointed to prosecute such Class of Offences by the Justices of the Peace of the County in General Quarter Sessions assembled, or the Magistrates of the Burgh, as the Case may be, and which Appointment they are hereby specially authorized to make, and such Justices of the Peace in General Quarter Sessions, or Magistrates, as the Case may be, shall from Time to Time fix a reasonable Sum in Name of Salary, or a reasonable Rate of Remuneration by Fees for Prosecutions, and all other Business under this Act, to be paid annually to such Procurator Fiscal or other Party appointed to prosecute as aforesaid; and which Salary, or the Amount of the Account of such Fees, as the same, shall be taxed by the Clerk of the Peace of the County or District, or the Town Clerk of the Burgh, as the Case may be, together with all necessary and proper Outlays attending such Prosecutions, and also the

the Execution of the recited Acts and this Act, shall form a proper Charge against, and shall be paid annually out of the Rogue Money, or other Fund of the County out of which the Expenses of Criminal Prosecutions are in use to be paid, or the Police Funds, or, where there are no Police Funds, out of the Corporation Funds of the Burgh, as the Case may be; and all Penalties and Expenses of Prosecutions and Convictions incurred under and imposed by the recited Acts and this Act, shall, when recovered, if adjudged by any Sheriff, or Justice or Justices of the Peace, be wholly paid into the Rogue Money Fund of the County, and if adjudged by any Magistrate of a Burgh be wholly paid into the Police Funds, or where there shall be no Police Funds, into the Corporation Funds of the Burgh in which such Penalties shall be imposed respectively.

Application of Penalties and Expenses.

26. Every Offence committed against the recited Acts and this Act, or any of them, may, except where inconsistent with the Provisions and Conditions of this Act, be tried and determined in a summary Manner, without any written Pleadings, or Record, or Notes of Evidence, and before the Courts, and subject to the Provisions and Conditions provided in the said recited Acts or either of them; and in any Prosecution under the recited Acts and this Act, or any of them, it shall be lawful for the Sheriff, Justice, or Justices, Magistrate or Magistrates before whom such Prosecution is brought to proceed in Absence of the accused, upon Proof by the Oath of an Officer or Constable of his having been duly summoned, or to issue his or their Warrant for apprehending and bringing the accused before him or them, as the Case may be; and the Complaint and Procedure following thereupon shall be in the Forms or as nearly as may be in the Forms provided by Schedule (D.) to this Act annexed.

Offences how to be tried.

27. It shall be lawful for any Justice of the Peace or Magistrate, in any Application for or Objection against the granting or renewing of a Certificate under the Provisions of the recited Acts or this Act, or in any other Matter arising under the Provisions of the said recited Acts and this Act, or any of them, to grant Warrant to summon Witnesses and Havers on behalf of any Party interested; and it shall be lawful for the Justice or Justices of the Peace, Magistrate, or Magistrates, before whom respectively any such Application, Objection, or Matter shall be depending, to examine all such Witnesses and Havers on Oath or solemn Affirmation, and to do and perform all Things necessary for the due and proper Hearing and Determination of the Cause or Matter: And any Person summoned as a Witness or as a Haver to appear before any Sheriff, Justice or Justices of the Peace, or Magistrate, touching any Matter arising out of the recited Acts or this Act, either on the Part of the Complainer or of the Person complained against, or of any Person interested in such Matter,

Power to Justices or Magistrates to summon Witnesses.

Punishment of Witnesses refusing to attend or prevaricating.

Matter, who shall neglect or refuse to appear at the Time and Place for that Purpose appointed, and who shall not make such reasonable Excuse for such Neglect or Refusal as shall be admitted and allowed by such Sheriff, Justice or Justices, or Magistrate, may, when it shall be proved on Oath that he has been duly summoned at least *Twenty-four* Hours before the Meeting of the Diet of the Court, be apprehended and committed to Prison under the Warrant of the said Sheriff, Justice or Justices, or Magistrate, till he finds Security to appear and give Evidence; and any Person who shall so neglect or refuse to appear, or who appearing shall refuse to be examined on Oath or solemn Affirmation, shall thereby be guilty of an Offence, and on being convicted thereof, shall forfeit and pay any Sum not exceeding *Five* Pounds, and in default of immediate Payment shall be imprisoned for a Period not exceeding *Thirty* Days; and if any Person who, under Examination on Oath or solemn Affirmation before any Sheriff, Justice or Justices, or Magistrate, in any Matter arising under the Provisions of the said recited Acts or this Act, shall prevaricate or wilfully conceal the Truth, it shall be lawful to such Sheriff, Justice or Justices, or Magistrate, in open Court, without any formal Complaint and in a summary Manner, to adjudge the Person so offending to be imprisoned for any Period not exceeding *Sixty* Days; or to forfeit and pay a Penalty not exceeding *Five* Pounds, and in default of immediate Payment to be imprisoned for a Period not exceeding *Thirty* Days, and the Sentence awarding such Punishment shall set forth shortly the Nature of the Offence.

Power to adjourn Trials and detain Offenders.

28. It shall be lawful for the Justice or Justices of the Peace, Sheriff, or Magistrate before whom any Person may be brought for Trial for any Offence against the recited Acts and this Act, or any of them, to adjourn the hearing of the Complaint from Time to Time, as may be deemed Necessary, and also, if considered fit, to order the Detention of such Person in Prison, or in any Police Office or Station House, till the next Diet of Court, unless Bail is found, or a Pledge given to an Amount not exceeding the maximum Penalty concluded for.

Offences may be prosecuted at Common Law.

29. Nothing contained in the recited Acts or this Act shall prevent anything done which may be an Offence under this Act, but which could have been prosecuted and punished as an Offence at Common Law, or under any other Act, if this Act had not passed, from being so prosecuted and punished as if this Act had not passed.

Offences may be tried in Police Courts.

30. For the Purpose of trying Offences against the recited Acts and this Act, or any of them, and of imposing Penalties and declaring Forfeitures under the same, the Expressions "Magistrate of any Burgh," "Magistrate," and "Magistrates" shall include any Judge officiating

officiating in any Court for the Trial of Police Offences under the Provisions of any Local or General Police Act applicable to any Burgh; and all such Offences committed within the Jurisdiction of any such Judge may be tried by and before him in any such Court: And every Person offending against the Sixteenth, Nineteenth, Twenty-first, and Twenty-third Sections of this Act, may, if the Prosecutor shall choose so to do, be prosecuted before the Court, and in the Manner provided for the Trial of Police Offences by any General or Local Police Act in force in the County, District, or Burgh where the Offender shall reside or the Offence shall have been committed, instead of as herein otherwise provided.

Certain Offences may be tried in Police Courts.

31. All Warrants, Orders, Interlocutors, Judgments, Sentences, and Decreets of Sheriffs, Justices, and Magistrates, issued or pronounced under the Authority of the recited Acts or of this Act, may be executed and enforced in any County, District, Burgh, or Jurisdiction other than that in which they were so issued or pronounced, provided the Concurrence of the Sheriff or any One Justice of the Peace or Magistrate of such other County, District, Burgh, or Jurisdiction respectively be endorsed thereon, by any Constable or Officer of Court of the original or of any other County, District, Burgh, or Jurisdiction, and which Concurrence all Sheriffs, Justices of the Peace, and Magistrates are hereby authorized to grant.

Warrants, &c. may be enforced in other Counties, &c.

32. It shall not be lawful for the Clerk of the Peace, or Sheriff Clerk of any County or District, or the Town Clerk of any Burgh, to demand or receive any greater or additional Fee or Remuneration for any Thing done under the recited Acts or this Act, than is authorized by the Schedule (E.) to this Act annexed.

Clerk's Fees.

33. It shall be competent to any Person conceiving himself aggrieved by any Warrant, Sentence, Order, Decree, Judgment, or Decision made or given by any Sheriff, Justice or Justices of the Peace, or Magistrate, in any Cause, Prosecution, or Complaint raised under the Authority of the recited Acts or of this Act, for Breach of Certificate, or for trafficking in Spirits or other Exciseable Liquors without a Certificate, to bring the Case by Appeal before the next Circuit Court of Justiciary, or where there are no Circuit Courts before the High Court of Justiciary at Edinburgh, in the Manner, and by and under the Rules, Limitations, Conditions, and Restrictions which shall from Time to Time be prescribed by the said High Court of Justiciary: Provided always, that such Appeal shall be competent only when founded on the Ground of Corruption or Malice and Oppression on the Part of the Sheriff, Justice or Justices of the Peace, or Magistrate, as the Case may be, or on such Deviations in point of Form from the statutory Enactments as the Court shall think took place wilfully, and have prevented substantial Justice from

Form of Review provided.

having been done: Provided also, that such Appeals shall be heard and determined in open Court, and that it shall be competent to the Court to correct such Deviation in point of Form: Provided further, that Notice in Writing of such Appeal shall be given to the opposite Party, and to the Clerk of the Court pronouncing such Warrant, Sentence, Order, Decree, Judgment or Decision, within Eight Days of the Date thereof, and that no Appeal shall be received or entertained, unless the Party appealing shall, along with his Appeal, deposit with the Clerk of the Circuit Court or of the High Court of Justiciary, as the Case may be, a Certificate under the Hand of the Sheriff Clerk, Town Clerk, or Clerk of the Peace, or Clerk to the Magistrates, as the Case may be, that he has made Consignation in the Hands of such Clerk of the whole Sum and Expenses, if any, decerned for by the Warrant, Sentence, Order, Decree, Judgment, or Decision appealed from, and unless he shall have found sufficient Security for the whole Expenses which may be incurred and found due under the Appeal: Provided always, that nothing herein contained shall be held to exclude or interfere with the Right of Appeal which at present exists to Quarter Sessions in any Matters relating to the granting of Certificates or to the Breaches thereof.

Sentences and Judgments not subject to Review except as provided by this Act.

34. No Warrant, Sentence, Order, Decree, Judgment, or Decision made or given by any Quarter Sessions, Sheriff, Justice or Justices of the Peace, or Magistrate in any Cause, Prosecution, or Complaint, or in any other Matter under the Authority of the said recited Acts or of this Act, shall be subject to Reduction, Advocation, Suspension, or Appeal, or any other Form of Review or Stay of Execution, on any Ground or for any Reason whatever, other than by this Act provided.

Limitation of Actions.

35. Every Action or Prosecution against any Sheriff, Justice or Justices of the Peace, Magistrate, or Judge acting under any General or Local Police Act, or against any Sheriff Clerk, Clerk of the Peace, or Town Clerk, or any Procurator Fiscal, Superintendent, or other Officer of Police, or Constable, or other Person, on account of anything done in execution of the recited Acts, and this Act, or any of them, shall be commenced within One Month after the Cause of Action or Prosecution shall have arisen, and not afterwards; and no such Official Person shall be liable in any Penalty, Expenses, or Damages in any such Action or Prosecution, unless it shall therein be proved that the Cause of Action or Prosecution arose through Corruption, or Malice and Oppression, on the Part of said Official.

Partial Repeal of former Acts, &c.

36. Nothing herein contained shall be held to repeal or affect the Provisions of the recited Acts or either of them, except in so far only as shall be necessary to give Effect to the Provisions of this Act; and the Provisions and Enactments contained in the recited Acts, so far

far as not repealed, shall extend, and be construed, deemed, and taken to extend to and form Part of this Act, in the same Manner and as fully and to all Intents and Purposes as if the said Provisions and Enactments were herein repeated and set forth at Length.

Interpretation of certain Terms in this Act.

5 **37.** In this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; that is to say,

The Expression "Inn and Hotel" shall in Towns refer to a House
10 containing at least Four Apartments set apart exclusively for the Sleeping Accommodation of Travellers; and in Rural Districts and populous Places not exceeding One thousand Inhabitants to a House containing at least Two such Apartments:

The Word "Shebeen" shall mean and include every House, Shop,
15 Room, Premises, or Place in which Spirits, Wine, Porter, Ale, Beer, Cyder, Perry, or other Exciseable Liquors are trafficked in by Retail without a Certificate and Excise Licence in that Behalf:

The Expression "trafficking" shall mean and include bartering, selling, dealing in, trading in, exposing or offering for Sale:

20 The Word "hawking" shall mean and include trafficking in or about the Streets, Highways, or other Places, or in or from any Boat or other Vessel upon the Water:

The Word "Certificate" shall mean any Certificate in Terms of this Act:

25 The Word "Sheriff" shall mean and include Sheriff Substitute:

The Word "Magistrate" shall mean and include Sheriff, Justice of the Peace of a County, or Provost or Bailie of any Burgh, or Police Magistrate acting in any Burgh:

The Word "Burgh," when referring to the granting of Certificates,
30 shall mean and include any Royal or Parliamentary Burgh, the Magistrates of which are at present in use to grant Certificates; and when not so referring shall mean and include all Royal and Parliamentary Burghs:

The Word "Constable" shall mean and include Officers of Court,
35 Chief Constable, Superintendent of Police, and every Grade of Constable or Police Officer, or any Person belonging to any Constabulary Force in any Part of Scotland, as also any Sheriff Officer or Justice of Peace Constable.

Commencement of Act.

40 **38.** This Act shall commence and take effect from and after the next after the passing thereof.

Short Title.

39. This Act may be cited for all Purposes as "The Public Houses Acts Amendment (Scotland) Act, 1862."

SCHEDULE A.

No. 1.

Form of Certificate for Inns and Hotels.

At a General Meeting for granting and renewing Certificates for the Sale of Exciseable Liquors, held by Her Majesty's Justices of the Peace acting in and for the County [*or* of the Magistrates of the Burgh, *as the Case may be*,] of holden at within the said County [*or* Burgh,] on the Day of in the Year One thousand eight hundred and Her Majesty's Justices of the Peace acting in and for said County [*or* the Magistrates of the said Burgh] assembled at the said Meeting, did authorize and empower *A.L.*, now dwelling at to keep an Inn and Hotel at in the Parish of and County aforesaid, [*or* Burgh aforesaid,] for the Sale in the said House, but not elsewhere, of Victuals, and of Spirits, Wine, Porter, Ale, Beer, Cyder, Perry, or other Exciseable Liquors, [*or* of Victuals, and of Porter, Ale, Beer, Cyder, or Perry,] [or of Victuals, Wine, Porter, Ale, Beer, Cyder, or Perry,] provided the said *A. L.* shall be licensed and empowered to sell such Liquors under the Authority and Permission of any Excise License to him or her in that Behalf granted, on the Terms and Conditions following; that is to say, that the said *A. L.* do not fraudulently adulterate the Bread and other Victuals and Liquors sold by him, or sell the same, knowing them to have been fraudulently adulterated; and do not use, in selling the same, any Weight or Measure which is not of the legal Imperial Standard; and do not sell any Groceries or other uncooked Provisions in the said House or Premises, to be consumed elsewhere; and do not knowingly permit any Breach of the Peace, or riotous or disorderly Conduct, within the said House or Premises; and do not knowingly permit or suffer Men or Women of notoriously bad Fame, or Girls and Boys, to assemble and meet therein; and do not supply Exciseable Liquors to Girls and Boys apparently under Fourteen Years of Age, or to Persons who are in a State of Intoxication; and do not permit or suffer any unlawful Games therein; and do not keep open House, or permit or suffer any Drinking on any Part of the Premises belonging thereto, or sell or give out therefrom any Liquors, before Eight of the Clock in the Morning, or after Eleven of the Clock at Night, of any Day, with the Exception of Refreshment to Travellers or to Persons requiring to lodge in the said House or Premises; and do not

not open his House for the Sale of any Exciseable Liquors, or permit or suffer any Drinking therein or on the Premises belonging thereto, or sell or give out the same, on Sunday, except for the Accommodation of Lodgers and bonâ fide Travellers; and do maintain good Order and Rule within his House and Premises. And lastly, do not transgress or commit any Breach of the Conditions of any Permission to sell on a public or special Occasion within his own House or elsewhere. This Certificate to continue in force, upon the Terms and Conditions aforesaid, from the Day of One thousand eight hundred and and until the Day of One thousand eight hundred and and no longer.

The above Certificate is made out according to the Deliverance in the Book or Register appointed to be kept in Terms of the Act of Parliament.

C.D., Clerk.

No. 2.

FORM OF CERTIFICATE FOR PUBLIC HOUSES.

At a General Meeting for granting and renewing Certificates for the Sale of Exciseable Liquors, held by Her Majesty's Justices of the Peace acting in and for the County [*or* of the Magistrates of the Burgh, *as the Case may be*,] of holden at within the said County [~~*or* Burgh~~] ~~on the~~ Day of in the Year One thousand eight hundred and Her Majesty's Justices of the Peace acting in and for the said County, [*or* the Magistrates of the said Burgh,] assembled at the said Meeting, did authorize and empower [*A.L.*], now dwelling at in the Parish of and County [*or* Burgh] aforesaid, to keep a Public House for the Sale in the said House, but not elsewhere, of Victuals, and of Spirits, Wine, Porter, Ale, Beer, Cyder, Perry, and other Exciseable Liquors [*or* of Victuals, and of Porter, Ale, Beer, Cyder, or Perry,] [*or* of Victuals, Wine, Porter, Ale, Beer, Cyder, or Perry], provided that the said *A.L.* shall be licensed and empowered to sell such Liquors under the Authority and Permission of any Excise Licence to him in that Behalf granted, on the Terms and Conditions following; that is to say, that the said *A.L.* do not fraudulently adulterate the Bread or other Victuals or Liquors sold by him, or sell the same knowing them to have been fraudulently adulterated; and do not use in selling the same any Weight or Measure which are not

of the legal Imperial Standard; and do not sell any Groceries or other uncooked Provisions in the said House or Premises, to be consumed elsewhere; and do not knowingly permit any Breach of the Peace, or riotous or disorderly Conduct, within the said House or Premises; and do not permit or suffer Men or Women of notoriously bad Fame, or Girls and Boys, to assemble and meet therein; and do not supply Exciseable Liquor to Girls and Boys apparently under Fourteen Years of Age, or to Persons who are in a State of Intoxication; and do not permit or suffer any unlawful Games therein; and do not keep open House, or permit or suffer any Drinking in any Part of the Premises belonging thereto, or sell or give out therefrom any Liquors, before Eight of the Clock in the Morning, or after Eleven of the Clock at Night, of any Day; and do not open his House for the Sale of any Liquors, or permit or suffer any Drinking therein, or on the Premises thereto belonging, or sell or give out the same, or any other Goods or Commodities, on Sunday; and, lastly, do not transgress or commit any Breach of the Conditions of any Permission to sell on a public or special Occasion within his own House or elsewhere; and do maintain good Order and Rule within his House and Premises. This Certificate to continue in force, upon the Terms and Conditions aforesaid, from the Day of One thousand eight hundred and and no longer.

The above Certificate is made out according to the Deliverance in the Book or Register appointed to be kept in Terms of the Act of Parliament.

C.D., Clerk.

No. 3.

FORM OF CERTIFICATE FOR DEALERS IN EXCISEABLE LIQUORS, AND GROCERS AND PROVISION DEALERS TRADING IN EXCISEABLE LIQUORS.

At a General Meeting for granting or renewing Certificates for the Sale of Exciseable Liquors held by Her Majesty's Justices of the Peace acting in and for the County [*or* of the Magistrates of the Burgh, *as the Case may be*] of
holden at within the said County [*or* Burgh]
on the Day of in the Year One thousand eight hundred and
Her Majesty's Justices of the Peace acting in and for the said County [*or* the Magistrates of the said Burgh], assembled at the said Meeting, did authorize and empower *A. L.*, now dwelling at to keep Premises at
in the Parish and
County

County aforesaid [*or* Burgh aforesaid], for the Sale therein, but not elsewhere, of Spirits, Wine, Porter, Ale, Beer, Cyder, Perry, or other Exciseable Liquors [*or* of Porter, Ale, Beer, Cyder, or Perry], [*or* of Wine, Porter, Ale, Beer, Cyder, or Perry], provided the said *A. L.* shall be licensed and empowered to sell such Liquors under the Authority and Permission of any Excise Licence to him in that Behalf granted, on the Terms and Conditions following; that is to say, that the said *A. L.* do not fraudulently adulterate the Liquors sold by him, or sell the same knowing them to have been fraudulently adulterated; and do not use in selling the same any Weight or Measure which is not of the legal Imperial Standard; and do not knowingly permit any Breach of the Peace, or riotous or disorderly Conduct, within the said Premises; and do not sell or supply Exciseable Liquors to Persons who are in a State of Intoxication, or to Girls or Boys apparently under Fourteen Years of Age, and do not traffick in or give any Spirits, Wine, or other Exciseable Liquors [*or* Wine, Porter, Ale, Beer, Cyder, and Perry], [*or* Porter, Ale, Beer, Cyder, and Perry], to be drunk or consumed on the said Premises, and do not receive or take in, as the Price or for the Supply of Exciseable Liquors, any Wearing Apparel, Goods, or Chattels; and do not traffic in or give out therefrom any Liquors before Eight of the Clock in the Morning, or after Eleven of the Clock at Night, of any Day; and do not open his Premises for Business, or for the Sale of any Liquors or any Goods or Commodities whatsoever, or sell or give out the same, on Sunday; and, lastly, do maintain good Order and Rule within his Premises. This Certificate to continue in force, upon the Terms and Conditions aforesaid, for One Year from the Day of One thousand eight hundred and

The above Certificate is made out according to the Deliverance in the Book or Register appointed to be kept in Terms of the Act of Parliament.

C. D., Clerk.

SCHEDULE B.

No. 1.

Unto the Honourable Her Majesty's Justices of the Peace for [*or* the Magistrates of the Burgh of]

The Application of [*state full Name, Designation, and present Place of Abode of Applicant*].

Humbly sheweth,

That the Applicant is desirous to obtain a Certificate for Licence for [an Inn and Hotel, *or* Public House, *or* a Dealer in Groceries

Groceries and Provisions, *as the Case may be*] at [*Place or Street, and Number*] in the Parish [*or* Burgh] of , and County of , for the ensuing Year [*or* Half Year, *as the Case may be*], in Terms of the "Public Houses Acts Amendment (Scotland) Act, 1862," and Acts therein recited; and refers to the Answers which are truly made to the subjoined Queries:

State whether it is a Renewal of a Certificate at present in Applicant's Name, or in that of another Party, or Renewal of a transferred Certificate, or a Certificate for a new House, that Applicant desires - - - -

Whether Applicant has attained Twenty-one Years of Age -

Whether bred to the Trade; or if not, to what other Trade or Business - - - -

Whether Applicant carries on or intends to carry on or follow any other Trade or Occupation -

Whether Applicant holds a Licence at present; and if so, state where the Premises are situated, and how long he has held the same -

Whether Applicant has any Interest in any other Business in Premises at present licensed, or for which a Certificate is sought; and if so, where those Premises are severally situated - - - -

State the actual Rent of Premises, and the Proprietor's or Factor's Name and Designation -

Signature of Applicant

Date

No. 2

No. 2.

REPORT BY JUSTICE OR MAGISTRATE.

I, One of Her Majesty's Justices of the Peace for [*or* One of the Magistrates of the Burgh of *as the Case may be*], hereby report that I personally examined the Premises described in the foregoing Application, and that the same are of suitable Construction and Accommodation for the Purpose applied for, reserving to the Justices [*or* Magistrates, *as the Case may be*,] to determine whether it be meet and convenient to grant the Certificate applied for.

J. P. *or* Magistrate.

CERTIFICATE OF CHARACTER AND QUALIFICATION.

I, One of Her Majesty's Justices of the Peace for [*or* One of the Magistrates of the Burgh of *as the Case may be*,] certify, after careful Inquiry, that , designed in the foregoing Application, is [*here state Result of Inquiry touching Applicant's Character and Qualification*].

J. P. *or* Magistrate.

SCHEDULE C.

LIST of APPLICATIONS for CERTIFICATES for the Sale of Exciseable Liquors for the County [*or* of the County] of *or* Burgh of , for new Premises, by new Tenants or Occupants, and for Renewal of transferred Certificates.

Name, Designation, and Residence of Applicant.	Number of Street of Burgh (or Place and Parish of County) of Premises.	Class of Certificate applied for.	Name and Address of Landlord or Factor of Premises.
	For new Premises.		
	By new Tenants or Occupants.		
	For Renewal of transferred Certificate.		

SCHEDULE D.

No. 1.

COMPLAINT.

Unto the Honourable Her Majesty's Justices of the Peace for the County of , [*or* Sheriff of the County of *or* Magistrates of the Burgh of *as the Case may be*].

Humbly complains *A.B.*

Procurator Fiscal of Court, [*or other Party appointed to prosecute, as the Case may be,*] for the Public Interest:

That *C.D.* [*Designation*] [*in the Case of a Breach of Certificate state here* "who holds a Certificate for the Sale of Exciseable Liquors at [*name the Place*] "] has been guilty of an Offence against the Laws for the Regulation of Public Houses in Scotland, in so far as [*here state the Particulars of the Offence, specifying the Place and Time thereof, and in the Case of a Breach of Certificate, or trafficking without a Certificate, add,* such Offence is the "First," "Second," "Third," *or* "an Offence subsequent to the Third" Offence, *as the Case may be*].

May it therefore please your Honour [*or* Lordship, *as the Case may be*] to grant Warrant to summon the said to appear before you [*or* to apprehend the said and bring him before you] to answer to this Complaint, and to be dealt with, in Terms of the Public Houses Acts Amendment (Scotland) Act, 1862, and the Acts therein recited, [*if the Certificate be declared to be forfeited, add,* "and further adjudge his Certificate to be forfeited, and null and void."]

A.B.

No. 2.

WARRANT TO SUMMON.

[*Place and Date.*]

The Justice [*or* Sheriff *or* Baillie] grants Warrant to Officers of Court to serve a Copy of this Complaint and of this Deliverance upon the therein named and designed *C.D.*, and to cite him to appear personally to answer thereto at [*here state the Place*] upon the Day of at of the Clock, noon, with Certification, and also to cite Witnesses and Havers for both Parties for the same Time and Place.

G.H.,
J. P. *or* Sheriff *or* Baillie.

No. 3.

No. 3.

WARRANT TO APPREHEND.

[*Place and Date.*]

The Justice [*or* Sheriff *or* Baillie] grants Warrant to Officers of Court to search for and apprehend *C.D.*, named and designed in the foregoing Complaint, and, if necessary for that Purpose, to open any Shut or Lock-fast Places, and to bring him before any One or more, as may be competent, of Her Majesty's Justices of the Peace for the County of [*or* the Sheriff of the County of *or* a Magistrate of the Burgh of] to answer thereto at the [*name the Place or Court House*], and also to cite Witnesses and Havers for both Parties, for all Diets in the Case.

G.H.,
J. P., *or* Sheriff *or* Baillie.

No. 4.

CITATION.

To *C.D.* [*Designation.*]

Take notice that you will have to appear personally at the Place and Time specified in the foregoing Warrant, to answer to the Complaint to which this Notice is attached, with Certification.

This I do this Day of .

J.K.,
Officer of Court.

No. 5.

MINUTE OF COURT PROCEDURE.

(When Accused appears.)

At the Day of 18 , in the Presence of of Her Majesty's Justices of the Peace for the County of [*or* Sheriff *or* Baillie], appeared *C.D.* complained against; and the Complaint being read over to him he answers that he is guilty [*or* not guilty].

[*If Accused pleads not Guilty.*]

The Witness [*or* Witnesses] after named was examined upon Oath in support of the Complaint; viz.,

And the Witness [*or* Witnesses] after named was examined upon Oath in Exculpation; viz.,

(When Accused is absent.)

At the Day of 18 , in Presence of of Her Majesty's Justices of the Peace for the County of [*or* Sheriff *or* Baillie] *C.D.* complained against, having failed to appear, and after Proof by the Oath of Officer of Court, that such Officer had duly summoned the said *C.D.* :

The Witness [*or* Witnesses] after named was examined upon Oath in support of the Complaint; viz.,

---

No. 6.

CONVICTION.

The Justices [*or* Justice *or* Sheriff *or* Baillie] in respect of the judicial Confession of the said *C.D.* [*or* of the Evidence adduced], convict the said *C.D.* of the Offence charged [being a Offence], and adjudge him to forfeit and pay to the Complainer the Sum of of Penalty [*if Expenses shall be awarded*], with the Sum of of Expenses]; and in default of [immediate] Payment thereof [*or if Time is allowed, state* within Days from this Date,] adjudge him to be committed to the Prison of for the Period of from the Date of his Incarceration, unless said Sum [*or* Sums] shall be sooner paid, and grant Warrant to Officers of Court to apprehend him, and convey him to said Prison, and to the Keeper thereof to receive and detain him accordingly.

If against a Party holding a Certificate (*if the Certificate be declared to be forfeited*) *add,* "and further adjudge his Certificate to be void and null from this Date."

A.B., J. P.,
or
G.H., J.P.,
M.N., J.P.,
or Sheriff *or* Baillie.

SCHE-

SCHEDULE E.

The following FEES, and no others, to be payable to Clerks of the Peace, Sheriff Clerks, and Town Clerks, acting under this Act or the Acts therein recited.

	£	s	d.
Each printed Copy of Form of Application for Certificate -	0	0	6
Lodging Application - - - - - -	0	4	0
Lodging Objection (under Section 11) - - -	0	1	0
Inspection of Register, or Applications, for each Hour or Part of an Hour - - - - -	0	1	0
Warrant on Complaint - - - -	0	2	0
Each Witness examined in Trials - - -	0	1	0
Conviction - - - - -	0	2	6
Deciding Objections (under Section 11) - -	0	1	0
Lodging Appeal and finding Caution - - -	0	5	0
Deciding Appeal - - - -	0	2	6
Extracts or certified Copies of any Proceedings, Warrants, or Conviction, per Sheet, written or printed, of 150 Words - - - - - -	0	1	0

Public Houses (Scotland)
Acts Amendment.

A

BILL

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT]

To amend the Acts for the Regulation of Public Houses in Scotland.

(*Prepared and brought in by Mr. Mure, Mr. Dunlop, Mr. Baxter, and Mr. Kinnaird.*)

Ordered, by The House of Commons, *to be Printed,* 13 *May* 1862.

[Bill 187.]

Under 4 *oz.*

LORDS AMENDMENTS

TO THE

PUBLIC HOUSES (SCOTLAND) ACTS AMENDMENT BILL.

Note.—*The Page and Line refer to the Bill* (84.) *as first printed by the Lords.*

Page 3.

Line 26. After ("Character") insert ("and not originating "directly or indirectly with the Person holding such "Certificate")

Page 4.

Line 9. Leave out ("further") and insert ("also")

Page 5.

Line 31. Leave out ("whether") and insert ("that")

Lines 39 and 40. Leave out ("or otherwise disposing of")

Line 42. Leave out ("make") and insert ("review")

Page 6.

Line 17. After ("Certificates") insert ("within their respective "Bounds")

Line 28. After ("Inspection") insert ("And it shall be lawful "for the Justices of the Peace of any County or "District, or the Magistrates of any Burgh, at "any April half-yearly Meeting for the granting "and Renewal of Certificates, if they shall think "fit, to cause a descriptive List of Persons to whom "Certificates shall have been granted for the Year "next ensuing, with the Premises to which such "Certificates apply, within their respective Jurisdic-"tions, to be made up and printed, in such Form as "they shall direct, for the Use of themselves and "others concerned in the Execution of the said "recited Acts and this Act, the Expense whereof "shall be paid out of the respective Funds in this "Act specified into which Penalties and Expenses "shall be paid")

Page 7.

Line 13. After ("Objections") insert ("against a Renewal of "a Certificate").

Line 14. After ("vexatious") insert ("or unauthorized"), and after ("Person") insert ("or Agent, as the Case "may be")

Lines 28. and 29. Leave out from ("Certificate") to the End of the Clause.

Page 8.

Line 1. After ("House") insert ("Toll House")

Line 9. After ("Houses") insert ("Toll Houses")

Lines 14. and 29. Leave out ("or unduly delay")

Line 36. After ("District") insert ("Place")

Line 43. Leave out ("seen habitually") and insert ("frequently "seen"), and leave out from ("Issue") to ("and") in Line 44.

Page 9.

Line 9. After ("on") insert ("and such Chief Officer of "Police shall also, without undue Delay, report to "the Procurator Fiscal or other Party by this Act "directed to prosecute Offenders all Offences com-"mitted against the recited Acts and this Act, or "any of them, coming to his Knowledge, and shall "at all Times use the Means within his Control for "the Detection, and, when necessary, the Appre-"hension of all Offenders")

Line 37. Leave out ("convicted of")

Page 10.

Line 27. After ("drinking") insert ("or having had Drink "supplied to him therein")

Line 29. Leave out ("Furniture"), and leave out ("or Con-"veniences") and insert ("and Fittings")

Line 30. Leave out ("kept") and insert ("found")

Page 11.

Lines 4. and 7. Leave out ("Spirits") and insert ("exciseable Liquors")

Line 8. Leave out ("Spirits") and insert ("such Liquors")

Line 13. Leave out ("Spirits") and insert (exciseable Liquors"), and leave out ("any Spirits") and insert ("the "same")

Line 14.

Line 14. Leave out ("Spirits") and insert ("exciseable Liquors")

Line 15. After ("Vessel") insert ("or Vessels")

Lines 20. and 23. Leave out ("Spirits") and insert ("Liquors")

Line 33. Leave out ("Spirits") and insert ("exciseable "Liquors")

Line 38. Leave out ("Spirits") and insert ("Liquors")

Page 12.

Line 21. Leave out ("wilful") and insert ("wilfully")

Page 13.

Line 25. After ("or") insert ("of"), and leave out ("may") and insert ("shall")

Page 14.

Line 4. After ("Peace") insert ("or Magistrate of any Burgh "or Place other than a Royal or Parliamentary "Burgh")

Line 6. Leave out ("of a") and insert ("or Police Judge of "any Royal or Parliamentary")

Line 21. Leave out ("of his having") and insert ("that the "Accused has")

Page 15.

Line 33. Leave out ("could") and insert ("might")

Line 37. After ("them") insert ("except in Cases of Breach of "Certificate")

Page 16.

Line 1. After ("Court") insert ("at the Instance of the "Procurator Fiscal or other Party acting as Prose-"cutor under the Twenty-fifth Section of this "Act")

Line 3. Leave out ("the") and insert ("such Procurator "Fiscal or")

Line 6. After ("Burgh") insert ("or Place")

Pages 16. and 17.

Leave out Clauses 33, 34, 35, and 36.

Page 18.

Line 20. Leave out ("which at present exists")

Line 21. Leave out from ("Sessions") to the End of the Clause and insert ("which at present exists, provided the "Appellant shall forthwith deposit with the Clerk "of the Peace the Amount of Penalty and Costs "awarded against him")

Page 19.

Page 19.

Line 8. After (" Towns ") insert (" and the Suburbs thereof ")

Line 11. After (" Inhabitants ") insert (" according to the Census " last before taken ")

Lines 13 and 14. Leave out (" Tollhouse ")

Line 26. Leave out from (" Substitute ") to (" The ") in Line 30.

Line 30. Leave out from (" Burgh ") to (" shall ") in Line 31.

Line 32. Leave out from (" Burgh ") to the End of the Paragraph, and insert (" and the Boundaries of such " Parliamentary Burghs shall for the Purposes of " this and the recited Acts be the same as those " within which the Magistrates of such Burghs " have Jurisdiction in Matters of Police ")

Page 20.

Line 2. Leave out (" January ") and insert (" September ")

LORDS AMENDMENTS

TO THE

PUBLIC HOUSES (SCOTLAND) ACTS AMENDMENT BILL.

Ordered, by The House of Commons, *to be Printed,* 2 *July* 1862.

[Bill 182.]

Under 1 *oz.*

A

BILL

TO

Enable the Commissioners of Her Majesty's Works to acquire additional Land for the Purposes of the "Public Offices Extension Act of 1859," by way of Exchange for Land already acquired but not wanted for the Purposes of the said Act.

Preamble.

WHEREAS the Three Pieces of Ground described in the First Schedule to this Act, and colored Blue on the Plan herein-after mentioned, and marked A, B, and C in the same Schedule and Plan, have been acquired by and are now vested in the Commissioners of Her Majesty's Works and Public Buildings, for the Purposes of the Act of the Twenty-second Year of Her Majesty, Chapter Nineteen, (called the Public Offices Extension Act, 1859,) under and by virtue of the following Acts; (namely,) the Piece of Ground marked A, under the Act of the Twenty-fourth and Twenty-fifth Years of Her Majesty, Chapter Thirty-three (called the Supplemental Public Offices Extension Act, 1861); the Piece of Ground marked B, under the Act of the Fifteenth and Sixteenth Years of Her Majesty, Chapter Twenty-eight; and the Piece of

Ground marked C, under the said Public Offices Extension Act, 1859, and the Act of the Twenty-fourth and Twenty-fifth Years of Her Majesty, Chapter Eighty-eight: And whereas the Three Pieces of Ground described in the Second Schedule to this Act and colored Red in the said Plan herein-after mentioned, and marked D, E, and F in the same Schedule and Plan, form Part of St. James's Park: And whereas it has been found that the Pieces of Ground described in the said First Schedule will not be required for the Purposes of the said Public Offices Extension Act, 1859, and that the Pieces of Ground described in the said Second Schedule will be required for the Purposes thereof, and it is therefore expedient that an Exchange of the Pieces of Ground comprised in the said Two Schedules respectively should be effected as herein-after mentioned: And whereas a Plan describing the Ground comprised in the said First and Second Schedules wherein the Ground comprised in the said First Schedule is colored Blue as aforesaid, and the Ground comprised in the said Second Schedule is colored Red as aforesaid, has been prepared by or under the Direction of the Commissioners of Her Majesty's Works and Public Buildings: And whereas the Ground marked A was Part of the Lands belonging to Her Majesty in right of Her Crown, particularly mentioned in the said Supplemental Offices Extension Act, 1861; and the Sum of Two thousand four hundred and seventy Pounds, in the same Act stated to be the ascertained Value of such Lands, has been paid by the said Commissioners of Her Majesty's Works and Public Buildings to the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, for the Purchase of the said Lands belonging to Her Majesty as by the said last-mentioned Act is directed: And whereas the said Commissioners of Her Majesty's Works and Public Buildings have also paid the full Value for the said Piece of Ground marked B, but no Money Consideration has been or was to be paid for the Purchase of the said Piece of Ground marked C, the same being Part of St. James's Park: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Plan to be deposited.

1. Copies of the said Plan describing the Ground to be given up by, and the Ground to be acquired by the said Commissioners of Her Majesty's Works and Public Buildings under the Authority of this Act, shall be signed by the Commissioners for executing the Office of Lord High Treasurer, and shall be deposited in the Office of the Commissioners of Her Majesty's Works and Public Buildings, and in the Office of Land Revenue Records and Enrolments; and all Persons shall be at liberty at all seasonable Times to inspect the Copy

Copy of the said Plan deposited in the said Offices, at their Will and Pleasure, paying the Sum of One Shilling for every such Inspection.

2. Immediately on the *passing of this Act* all the said Ground and Hereditaments described in the said First Schedule to this Act, and colored Blue in the said Plan, shall become and be vested in Her Majesty, Her Heirs and Successors, as Part and Parcel of St. James's Park, for all the Estate and Interest therein of the said Commissioners of Her Majesty's Works and Public Buildings; and all the Ground and Hereditaments described in the said Second Schedule to this Act, and colored Red in the said Plan, shall become and be vested in the said Commissioners of Her Majesty's Works and Public Buildings, their Successors and Assigns, as incorporated by and for the Purposes of the said Public Offices Extension Act, 1859, for all the Estate and Interest therein of Her Majesty.

Land colored Blue vested in Her Majesty.

Land colored Red vested in the Commissioners of Her Majesty's Works, &c.

3. Whereas by the said Act of the Twenty-fourth and Twenty-fifth Years of Her Majesty, Chapter Eighty-eight, after providing for the Transfer to the said Commissioners of Her Majesty's Works and Public Buildings of the Piece of Land forming Part of St. James's Park therein mentioned, and which included the said Piece of Ground marked C in the said First Schedule hereto, it was enacted, that Compensation should be made to the Land Revenues of the Crown in respect of the said Transfer in manner following, (namely,) whenever the annual Produce of the said Revenues should cease to be carried to and form Part of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and should be retained by the Crown as Part of its Hereditary Revenues, the Value of the Premises thereby transferred, exclusive of the Value of any Buildings erected thereon, should be determined by Arbitration, and the Amount of such Value, when determined, should be deducted from the Amount for the Time being chargeable upon the said Revenues in respect of Advances made out of the Consolidated Fund, or, if there should be no such Amount then chargeable, should be paid to the Account of the said Revenues: Be it enacted, That the said Provision for Compensation shall be repealed so far as relates to the said Piece of Ground marked C, and in lieu thereof shall be applicable to the Piece of Ground marked F, it being intended that, as regards the Pieces of Ground marked D and E, no such Compensation shall be payable, the same being considered as given in exchange for the said Pieces of Ground marked A and B, which were not Parts of the said St. James's Park.

Compensation provided by 24 & 25 Vict. c. 88. to apply.

4. Nothing herein contained shall vary or affect the Provisions of the Forty-eighth Section of the said Public Offices Extension Act, 1859,

Saving as to Parishes of Saint Margaret and Saint John.

1859, as altered by the Fifth Section of the said Supplemental Public Offices Extension Act, 1861, relating to the Contribution of the Commissioners towards the Rates of the Parishes of Saint Margaret and Saint John the Evangelist, Westminster, either as regards the maximum Sum payable by the Commissioners, or as regards the annual Amount with reference to which the Deficiencies in the Rates are to be calculated and ascertained. 5

Public Offices Extension Act and this Act to be construed as One.

5. The said Public Offices Extension Act, 1859, shall be read and construed to all Intents and Purposes whatsoever (except as expressly varied by this Act) as if the Land and Hereditaments comprised in the said Second Schedule to this Act were comprised in the Schedule to the said Public Offices Extension Act, 1859. 10

Limitation of Actions.

6. Whereas by the Fifty-third Section of the said Public Offices Extension Act, 1859, it is provided that in every Action or Suit brought or prosecuted for anything done in pursuance thereof as therein mentioned, the Defendant shall and may, at his Election, plead specially, or plead the General Issue, and give the said Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of the said Act: Be it enacted and declared, That in case any Defendant shall plead the General Issue as aforesaid in any Action or Suit relating to the Land and Hereditaments comprised in the said Second Schedule hereto or any Part thereof, or to anything done in respect thereof, he may in like Manner give the special Matter in Evidence, and that the same was done in pursuance and by the Authority of said Public Offices Extension Act, 1859, and of this Act. 15 20 25

General Saving.

7. Saving and reserving always to all Persons and Bodies Politic or Corporate soever, excepting the Queen's Majesty, Her Heirs and Successors, and the Commissioners of Her Majesty's Works and Public Buildings, all such Right, Title, Interest, Claim, and Demand whatsoever (if any), in, to, or out of the said Ground and Hereditaments comprised in the Schedules to this Act, or any Part thereof, as they or any of them could or might have lawfully claimed in case this Act had not been passed. 30

The FIRST SCHEDULE.

A. A Strip of Land containing One thousand four hundred and sixty Superficial Feet or thereabouts, forming Part of the Gardens of Nos. 13, 14, 15 and 16, Duke Street, Westminster.

B. A triangular Piece of Ground forming the North-west Corner of the late State Paper Office, containing One hundred and sixty Superficial Feet or thereabouts.

C. A Strip of Land Part of the South Parade and enclosed Lawn in Saint James's Park, containing Three thousand four hundred and fourteen Superficial Feet or thereabouts.

The SECOND SCHEDULE.

D. A Strip of Ground on the West Side of the late State Paper Office, containing Four hundred and sixty Superficial Feet or thereabouts.

E. A Strip of Ground on the North Side of the late State Paper Office, containing One thousand and sixty-seven Superficial Feet or thereabouts.

F. A Strip of Ground Part of the South Parade and enclosed Lawn in St. James's Park, containing Two thousand five hundred and five Superficial Feet or thereabouts.

Public Offices Extension.

A

B I L L

To enable the Commissioners of Her Majesty's Works to acquire additional Land for the Purposes of the "Public Offices Extension Act of 1859," by way of Exchange for Land already acquired but not wanted for the Purposes of the said Act.

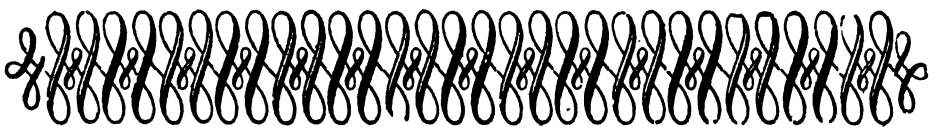
(*Prepared and brought in by Mr. Cowper and Mr. Peel.*)

Ordered, by The House of Commons, *to be Printed,* 4 *July* 1862.

[Bill 189.]

Under 1 *oz.*

6 *May* 1862. 25 Vict.



A

BILL

TO

Amend an Act of the last Session for authorizing Advances of Money out of the Consolidated Fund for carrying on Public Works and Fisheries for Employment of the Poor, and for facilitating the Construction and Improvement of Harbours, and for other Purposes.

WHEREAS by an Act of the Twenty-fourth and Twenty-fifth Years of Her present Majesty, Chapter Eighty, the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland are empowered to cause to be issued out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, or out of the growing Produce thereof, for the Purposes therein mentioned, a Sum not exceeding Three hundred and sixty thousand Pounds per Annum during the Five Years next ensuing the Fourth Day of April One thousand eight hundred and sixty-two, by quarterly Instalments, or Issues not exceeding Ninety thousand Pounds per Quarter, as therein mentioned, and for the Purpose of Loans under "The Harbours and Passing Tolls, &c. Act, 1861," a further Sum not exceeding Three hundred and fifty thousand Pounds per Annum during the Five Years next ensuing the passing of Preamble.

of that Act, by quarterly Instalments or Issues not exceeding Eighty-seven thousand five hundred Pounds per Quarter, as therein mentioned: And whereas it is expedient to amend the said Act, and to provide that instead of making such Issues quarterly the same may be issued from Time to Time when and as the same or any Part thereof shall be actually required for the Purposes of Loans authorized by the said Act: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Instalments may be issued when required for Purposes of Loans under recited Act, instead of quarterly.

1. In case any or either of the said Instalments authorized by the said Act to be issued shall not be required by the Commissioners for carrying into execution the said Act to be issued quarterly, and shall not have been issued, it shall be lawful for the Commissioners of Her Majesty's Treasury from Time to Time, or at any Time after the Expiration of any such Quarter, to issue out of the growing Produce of the Consolidated Fund for the Purposes of the said Act all or such Part or Parts of the said respective quarterly Instalments which shall not have been previously issued as shall from Time to Time be required by the Commissioners for carrying into execution the said Act: Provided always, that nothing in this Act contained shall authorize the Issue of any larger Sum or Sums of Money in the whole than the aggregate Amount of the quarterly Instalments or Issues which under the Terms of the said recited Act may then have become due or issuable.

Public Works and Harbours Act Amendment.

A

BILL

To amend an Act of the last Session for authorizing Advances of Money out of the Consolidated Fund for carrying on Public Works and Fisheries for Employment of the Poor, and for facilitating the Construction and Improvement of Harbours, and for other Purposes."

(*Prepared and brought in by Mr. Peel and Mr. Chancellor of the Exchequer.*)

Ordered, by The House of Commons, *to be Printed,* 6 *May* 1862.

[Bill 100.]

Under 1 *oz.*